

**Manitoba Justice**  
(including Justice Initiatives Fund)

**Annual Report  
2010 - 2011**



ATTORNEY GENERAL  
MINISTER OF JUSTICE

Room 194  
Legislative Building  
Winnipeg, Manitoba, CANADA  
R3C 0V8

His Honour the Honourable Philip S. Lee, C.M., O.M.  
Lieutenant Governor of Manitoba  
Room 234 Legislative Building  
Winnipeg, Manitoba  
R3C 0V8

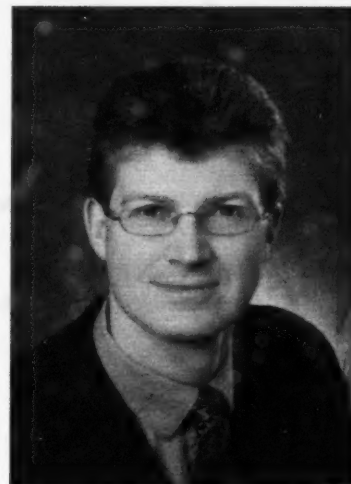
MAY IT PLEASE YOUR HONOUR:

It is my privilege to present for the information of Your Honour the *Annual Report* of Manitoba Justice and the Justice Initiatives Fund for the fiscal year ending March 31, 2011.

Respectfully submitted,

*Original Signed By*

Honourable Andrew Swan  
Minister of Justice  
Attorney General





Deputy Minister of Justice and Deputy Attorney General  
Room 110 Legislative Building, Winnipeg, Manitoba, Canada R3C 0V8

Honourable Andrew Swan  
Minister of Justice  
Attorney General  
Room 104 Legislative Building  
Winnipeg, Manitoba  
R3C 0V8

Dear Minister:

I am pleased to present the *Annual Report* of Manitoba Justice and the Justice Initiatives Fund for the period April 1, 2010 to March 31, 2011.

Our activities continue to advance the vision of a safe, just and peaceful society supported by a justice system that is fair, effective, trusted and understood. The department provides a broad spectrum of services in support of this vision. I would like to take this opportunity to set out some of the highlights of the department's activities for the year.

Manitoba continued to be a leader in innovative measures to combat crime. The capacity of the Gang Response and Suppression Program was expanded this year; this program provides intensive supervision of gang members and high risk offenders on bail or probation in order to ensure their compliance with court ordered conditions and to detect breaches. Amendments to *The Manitoba Evidence Act* – the first of their kind in Canada – established a process to designate a group as a criminal organization for any proceeding under provincial law. Legislation was also introduced to address the public safety issues posed by body armour and fortified vehicles. The Criminal Property Forfeiture Unit achieved new successes in its mandate of ensuring that crime does not pay; during the year, it initiated 29 new civil forfeiture actions against property and proceeds of crime and 15 matters were resolved by the court resulting in \$696,000 forfeited to the Province. The capacity of the Winnipeg Police Service to provide public safety services to its citizens was enhanced through amendments to *The City of Winnipeg Charter* to support the Winnipeg Police Service Auxiliary Force Cadet Program.

The modernization of police governance in Manitoba continued to move forward as steps were taken to implement Manitoba's new *Police Services Act*. The Manitoba Police Commission was established to provide advice on police training and standards and other issues, as required, and to begin the recruitment and training of the civilian monitors that will work with the Independent Investigation Unit to be established under the Act.

Manitoba has long been a leader in the fight against impaired driving. This year, the department led the introduction of legislation for tiered short-term driver's licence suspensions for those who are caught operating motor vehicles, vessels, aircraft or railway equipment under the influence of alcohol or drugs. It also led the introduction of legislation to suspend the driver's licences of individuals who are convicted of drug trafficking when a motor vehicle was driven while committing the offence.

To enhance offender accountability and fairness in the justice system, amendments were made to *The Summary Convictions Act* that enable an additional fee to be charged to offenders who do not pay their court-ordered fines on time. Amendments were made to *The Legal Aid Manitoba Act* to allow Legal Aid Manitoba to recover the cost of defending youth accused in criminal cases from their parents where the parents could have paid for their child's lawyer but refused to do so. An amendment to *The Victims' Bill of Rights* redefined who is eligible for compensation to ensure offenders convicted of serious crimes do not receive benefits from the Compensation for Victims of Crime Program. A significant number of new positions were added to Manitoba Prosecution Services to enhance its effectiveness and more will be added in coming years. The number of beds in adult and youth correctional centres continued to increase. This year, a new 84-bed expansion project was completed at Brandon Correctional Centre and a new 48-

bed expansion project was completed at Agassiz Youth Centre. Expansions planned for Milner Ridge Correctional Centre, The Pas Correctional Centre and the new women's correctional facility in Headingley are expected to be completed in 2011.

To enhance the protection of domestic violence victims, including children, amendments were made to *The Family Maintenance Act*, *The Child Custody Enforcement Act* and *The Court of Queen's Bench Act*. These changes will enhance and refine protections for victims of domestic violence and establish 'best interests' criteria for the court to consider for child custody and access cases. To provide further support for families, changes were made to improve the Child Support Recalculation Service. Under amended legislation and regulations of *The Family Maintenance Act*, child support payments can now be recalculated to reflect the amount that should be paid whether or not the paying parent provides updated financial information on a timely basis. Legislation was also introduced to provide further support to the Maintenance Enforcement Program, including a new computer system that will provide enhanced enforcement tools and allow for improved service to our clients.

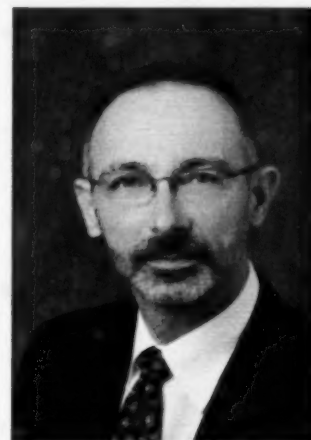
The Winnipeg Auto Theft Suppression Strategy (WATSS) continues to receive international recognition for its success in reducing auto theft in Winnipeg by 78 per cent since 2005. It was recognized with two excellence in law enforcement awards this year - The Webber Seavey Award for Quality in Law Enforcement and the International Association of Chiefs of Police Vehicle Theft Award of Merit.

The cornerstone of all of these efforts is collaboration, dedication and excellence. These are the traits demonstrated every day by the staff of Manitoba Justice in often difficult circumstances and I am deeply grateful for their service.

Yours truly,

*Original Signed By*

Jeffrey A. Schnoor, Q.C.  
Deputy Minister of Justice  
Deputy Attorney General







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**Sous-ministre de la Justice et sous-procureur général**

Palais législatif, bureau 110, Winnipeg (Manitoba), Canada R3C 0V8

Monsieur Andrew Swan  
Ministre de la Justice  
et procureur général  
Palais législatif, bureau 104  
Winnipeg (Manitoba)  
R3C 0V8

Monsieur le Ministre,

J'ai l'honneur de vous présenter le *Rapport annuel* du ministère de la Justice du Manitoba et du Fonds des initiatives concernant l'administration de la justice pour la période du 1<sup>er</sup> avril 2010 au 31 mars 2011.

Nos activités continuent de promouvoir la vision d'une société juste, en paix et en sécurité, qui est soutenue par un système de justice équitable, efficace, bien compris et de confiance. Le Ministère propose un large éventail de services qui viennent appuyer cette vision et je saisis l'occasion pour exposer ici quelques points clés de ses activités de l'année.

Le Manitoba est demeuré un chef de file des mesures novatrices en matière de lutte contre la criminalité. La capacité du *Gang Response and Suppression Program* (programme d'intervention et de suppression des gangs) a été élargie cette année; cette initiative prévoit une surveillance intensive des membres de gangs et des contrevenants à haut risque libérés sous caution ou en probation et vise à ce qu'ils se conforment aux conditions fixées par les tribunaux et à détecter les violations. Les modifications à la *Loi sur la preuve au Manitoba* – première du genre au Canada – ont établi une méthode permettant de déclarer un groupe « organisation criminelle » pour les fins de poursuites intentées en vertu des lois provinciales. Des dispositions législatives ont été instaurées dans le but de régler les questions de sécurité publique que posent les gilets de protection balistique et les véhicules blindés. La Section de confiscation des produits de la criminalité a remporté de nouveaux succès dans l'exécution de son mandat - faire en sorte que le crime ne paie pas; il a engagé durant l'année 29 poursuites civiles pour obtenir la confiscation de biens et de produits de la criminalité; 15 causes ont été réglées par les tribunaux; 696 000 \$ ont été confisqués par la Province. Des modifications à la *Charte de la Ville de Winnipeg* sont venues appuyer le Programme de cadets du corps auxiliaire du Service de police de Winnipeg afin de renforcer la capacité de ce Service à dispenser des services de sécurité publique.

La modernisation de la gouvernance de la police au Manitoba a continué, et des mesures ont été prises en vue de l'application de la nouvelle *Loi sur les services de police*, du Manitoba. La Commission de police du Manitoba a été mise sur pied afin d'offrir, autant que nécessaire, des conseils en matière de formation et de normes applicables à la police et dans d'autres domaines, et d'entamer le recrutement et la formation d'observateurs civils qui travailleront avec la section d'enquête indépendante à établir en application de la loi.

Le Manitoba est depuis longtemps une figure de proue de la lutte à la conduite avec facultés affaiblies. Cette année, le Ministère a piloté l'introduction de mesures législatives sur les suspensions à court terme et de durée progressive du permis de conduire des personnes ayant conduit un véhicule à moteur, un bateau, un aéronef ou du matériel ferroviaire en étant sous l'influence de l'alcool ou de stupéfiants. Il a aussi dirigé la mise en place de la loi sur la suspension du permis de conduire des personnes déclarées coupables de trafic de drogue, quand un véhicule a servi à commettre l'infraction.

Afin d'accroître la responsabilisation des contrevenants et l'équité dans le système de justice, des modifications ont été apportées à la *Loi sur les poursuites sommaires*; ces changements permettent d'infliger une amende additionnelle au contrevenant qui n'acquitte pas à temps l'amende imposée par le tribunal. Des modifications ont été apportées à la *Loi sur la Société d'aide juridique du Manitoba* pour que la Société puisse récupérer auprès des parents les frais assumés pour la défense des jeunes accusés

dans des affaires criminelles, quand lesdits parents auraient pu payer les honoraires de l'avocat de l'enfant mais ont refusé de le faire. Une modification à la *Déclaration des droits des victimes* a redéfini qui est admissible à une indemnité, pour faire en sorte que les contrevenants reconnus coupables de crimes graves ne reçoivent pas d'indemnité du *Programme d'indemnisation des victimes d'actes criminels*. Un nombre important de postes ont été ajoutés aux Services des poursuites de Justice Manitoba afin d'accroître l'efficacité de cette entité; d'autres seront ajoutés dans les années à venir. Le nombre de lits dans les centres correctionnels pour les adultes et pour les jeunes continue d'augmenter. Cette année, un nouveau projet d'expansion de 84 lits a été complété au Centre correctionnel de Brandon et un nouveau projet d'agrandissement de 48 lits a été complété à l'Agassiz Youth Centre. Les agrandissements prévus au Centre correctionnel de Milner Ridge, au Centre correctionnel de The Pas et au nouvel établissement correctionnel de Headingley pour les femmes devraient être complétés en 2011.

Pour améliorer la protection des victimes de violence familiale, et notamment des enfants, des modifications ont été apportées à la *Loi sur l'obligation alimentaire*, à la *Loi sur l'exécution des ordonnances de garde* et à la *Loi sur la Cour du Banc de la Reine*. Ces changements amélioreront et perfectionneront la protection des victimes de violence familiale, et fixeront les critères des « intérêts véritables » que le tribunal devra prendre en considération dans les dossiers de garde d'enfants et de visite. Afin d'augmenter le soutien aux familles, des changements ont été apportés en vue d'améliorer le service de recalcul de l'ordonnance alimentaire au profit d'un enfant. Au terme des modifications à la *Loi sur l'obligation alimentaire* et aux règlements pris en application de cette loi, les paiements de pension alimentaire pour enfants peuvent désormais être recalculés afin de refléter le montant qui devrait être payé, que le parent débiteur fournisse ou non dans les délais des renseignements financiers mis à jour. Afin d'augmenter aussi le soutien au Programme d'exécution des ordonnances alimentaires, des dispositions législatives ont été introduites, dont une prévoyant l'ajout d'un système informatique qui offrira des outils d'application améliorés et permettra de rehausser la qualité des services à la clientèle.

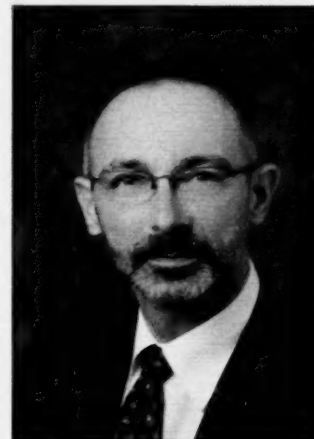
La stratégie de prévention des vols de véhicules à Winnipeg (WATSS) continue de remporter des prix internationaux en raison de sa réussite dans le domaine de la réduction des vols d'auto à Winnipeg, avec une baisse de 78 pour cent depuis 2005. Ce programme a été couronné cette année par deux prix d'excellence dans le domaine de l'application de la loi - le *Webber Seavey Award for Quality in Law Enforcement* et le *Vehicle Theft Award of Merit*, de l'International Association of Chiefs of Police.

La pierre angulaire de ces efforts est la collaboration, le dévouement et l'excellence. Des qualités dont fait preuve quotidiennement le personnel de Justice Manitoba dans des circonstances souvent difficiles. Je lui en suis profondément reconnaissant.

En espérant que ce rapport obtiendra votre approbation, je vous prie d'agréer, Monsieur le Ministre, l'expression de mes sentiments les meilleurs.

*original signé par*

Jeffrey A. Schnoor, c.r.  
Sous-ministre de la Justice et  
sous-procureur général



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# Introduction

With headquarters in downtown Winnipeg on historic Broadway, Manitoba Justice is responsible for the administration of civil and criminal justice in Manitoba. Key responsibilities flow from provincial legislation such as *The Department of Justice Act*, *The Correctional Services Act*, *The Legal Aid Manitoba Act* and *The Victims' Bill of Rights*. In addition, the department has significant delegated responsibility under federal legislation, as a result of the *Constitution Act, 1867*, which includes most notably the *Criminal Code* and the *Youth Criminal Justice Act*. Manitoba Justice is also responsible for the administration and enforcement of over 100 other provincial statutes<sup>1</sup> relating to civil law, court administration, correctional services, regulatory provisions and other matters for which the Manitoba government assumes legal responsibility.

Manitoba Justice, a large department with over 3,000 employees, provides a diverse range of services to Manitobans through many regional offices, facilities and operations. Department staff come from a wide variety of backgrounds, including lawyers, correctional officers, managers, administrators, financial officials, law enforcement specialists, information technologists, social workers, teachers, nurses, human resource officers, paralegals, and clerical and support staff.

## Report Structure

The *Annual Report* of Manitoba Justice is organized in accordance with the department's appropriation structure. An appropriation is an amount of money voted by the Legislative Assembly of Manitoba to provide for operation of a program during a fiscal year (April 1 through March 31). The total appropriation for Manitoba Justice (known as the main-appropriation) is broken down into sub-appropriations for the specific divisions, branches and areas of the department.

The activities of every branch or section are outlined in this report. It includes information at the main and sub-appropriation levels for the department's objectives, actual results achieved, financial performance and major variances. It also provides a five-year historical table giving the departmental expenditures and staffing. Expenditure and revenue variances are explained. Reports and financial information are also provided for affiliated boards, agencies and commissions, some of which issue their own annual reports.

The report also includes information on the department's capital investments and projects supported by the Justice Initiatives Fund. Separate sections summarize the department's performance reporting and sustainable development activities. A section on disclosures of wrongdoing by employees was added in 2007/2008.

To maintain consistency among government-wide reporting documents, all dollar amounts contained in the financial tables and narratives are expressed to the nearest thousand dollars. For example, thirty-five thousand one hundred dollars is shown as 35 \$(000s). Staffing resources are reported in the form of full-time equivalents (FTEs).

## Vision and Mission

The vision of Manitoba Justice is a safe, just and peaceful society supported by a justice system that is fair, effective, trusted and understood.

Our mission is to promote a safe, just, and peaceful society by:

- providing a fair and effective prosecution service
- managing offenders in an environment that promotes public safety and rehabilitation
- providing mechanisms for timely and peaceful resolution of civil and criminal matters
- providing legal advice and services to government
- providing programs which assist in protecting and enforcing individual and collective rights
- providing support and assistance to victims of crime
- promoting effective policing and crime prevention initiatives in our communities

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<sup>1</sup> See Appendix I for a complete list of acts administered by the Minister of Justice.



We seek to carry out this mission on the basis of the following guiding principles that are critical to the functioning of our democratic society:

- We recognize that in the exercise of our authority we at all times act in trust for the public.
- We accept that our system of justice is based on the rule of law and a respect for the rights of individuals as well as the rights of the community as a whole.
- We seek to promote an open and accessible system of justice that treats all persons fairly and with respect.
- We recognize the diversity in our society and the need to be responsive to that diversity, especially in regards to Aboriginal persons.
- We value communication, co-operation and interdependence and recognize the need to involve government and non-government partners in the development of integrated approaches to the administration of justice in Manitoba and throughout Canada.
- We respect and value the role the public can play in the delivery of justice and in the shaping of our institutions and programs.
- We believe in promoting the individual's responsibility to the larger community.
- We support the development of preventive approaches to problems and the prompt and just resolution of conflicts.

The department's strength comes from its employees. We are committed to building a department that promotes a respectful work environment and that recognizes employees' commitment, performance and achievements. We value personal integrity, leadership, responsibility, participation and teamwork. We encourage outstanding client and community service, initiative and innovation.

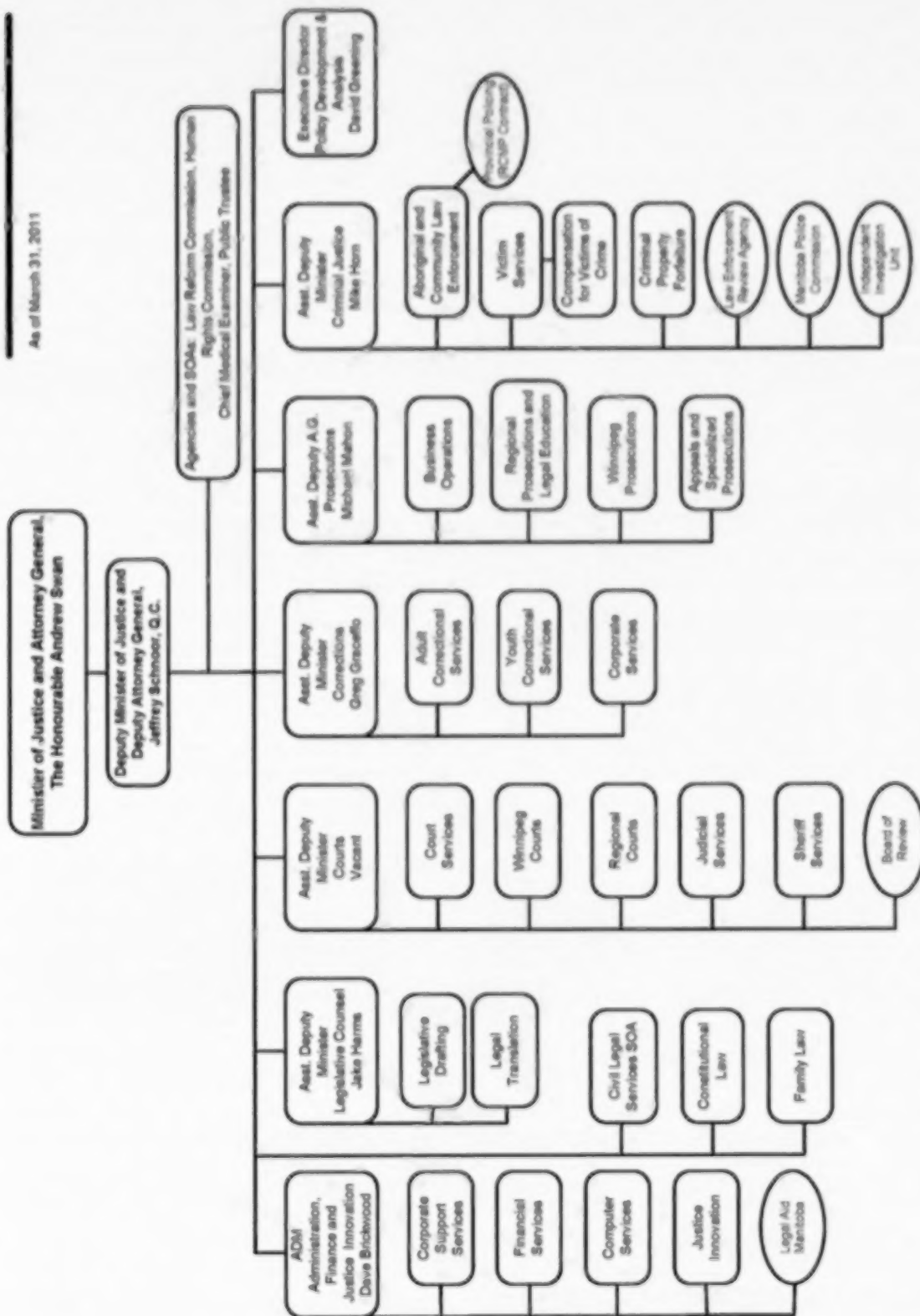
To fulfil its role and mission, Manitoba Justice is organized administratively into the following six divisions: Administration, Finance and Justice Innovation, Legislative Counsel, Courts, Corrections, Prosecutions and Criminal Justice. Finances are, however, voted under six main appropriations: administration, finance and justice innovation (04-1), criminal justice (04-2), civil justice (04-3), corrections (04-4), courts (04-5) and costs related to capital assets (04-6).

As illustrated on the organization chart, each operating division is led by an assistant deputy minister (ADM) or equivalent. The departmental structure includes a number of branches, offices, arm's length bodies and special operating agencies (SOA). Special operating agencies are service operations within departments granted more direct responsibility for results and increased management flexibility in order to encourage initiative and improve service delivery.



# Manitoba Department of Justice Organization Chart

As of March 31, 2011



# Administration, Finance and Justice Innovation

The administration, finance and justice innovation appropriation (04-1) includes the department's executive and administrative support activities. It consists of two major components: executive administration and operational administration.

Executive administration is comprised of three sub-appropriations identified as minister's salary, executive support and policy development and analysis. These areas provide leadership and direction to the department's operational divisions.

The operational administration component of the division is responsible for the department's administrative support and fiscal planning and control functions. It also provides financial services, facilities management, procurement, fleet vehicles, parking, records management and the development and maintenance of computer systems.

In the last quarter of fiscal 2010/11, the Department created a new function within the Administration and Finance division called Justice Innovation. The Innovation group will be responsible for examining opportunities to improve business processes initially related to criminal justice, to improve case velocity and to ensure more efficient use of resources.

## Executive Administration Component

### Minister's Salary

The funds voted for minister's salary provide for additional compensation to the Member of the Legislative Assembly (MLA) appointed to Executive Council (Cabinet) as the Minister of Justice.

The Minister of Justice is also the Attorney General for Manitoba. The attorney general's role is that of chief law officer for the Manitoba government and the official legal advisor to the Lieutenant-Governor in Council and members of Cabinet. The responsibilities stemming from this role are unlike those of any other Cabinet member.

As minister of justice, the minister represents the interests and perspectives of Manitoba Justice at Cabinet, while simultaneously representing the interests and perspectives of Cabinet to the department and the department's communities of interest.

As attorney general, the minister is the chief law officer of Manitoba. The minister plays a special role in advising Cabinet to ensure the rule of law is maintained and that Cabinet actions are consistent with the law and the *Constitution Act, 1867*.

#### 1 (a) Minister's Salary

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Total Salaries	37	1.00	37	0	

## Executive Support

Executive support includes the staff and operation of the offices of the minister and deputy minister who provide management direction and leadership to the department. Activities include advising the minister on policies and emerging issues affecting the department, developing departmental policy, managing departmental activities and projects, and providing administrative services.

The Deputy Minister of Justice and Deputy Attorney General is the administrative head of the department, responsible for managing the day-to-day operations. As the senior public servant in the department, the deputy minister works with a team of assistant deputy ministers and executive directors. The team, in turn, draws on the extensive accumulated knowledge of departmental personnel.

The deputy attorney general is the deputy chief law officer for the Manitoba government, following the attorney general as chief law officer. The deputy attorney general, for example, can prefer an indictment under the *Criminal Code* directly in the Court of Queen's Bench, Manitoba's superior trial court. There are also other discretionary prosecutorial powers given in law that the deputy attorney general may use.

### 1 (b) Executive Support

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Total Salaries	618	9.00	637	(19)	
Total Other Expenditures	109		95	14	

## Policy Development and Analysis

The mandate of the Policy Development and Analysis Branch is to:

- provide justice policy advice, develop legislation and help develop programs that advance departmental objectives
- co-ordinate issues having cross-divisional, cross-government or intergovernmental implications
- research and document provincial positions on needed changes to the *Criminal Code*
- provide program and administrative support for the Community Notification Advisory Committee and the Manitoba sex offender website
- act as the department's primary resource for research into issues that affect the justice system

To fulfill this mandate, the branch:

- conducts research and develops justice policy options
- co-ordinates preparation of briefing material for the minister and deputy minister and helps prepare for federal-provincial-territorial (FPT) meetings
- acts as the departmental liaison to the Canadian Centre for Justice Statistics (CCJS), analyzes CCJS reports and represents the department at FPT meetings of the National Justice Statistics Initiative Liaison Officers Committee
- provides research, analytical and administrative support for the Community Notification Advisory Committee
- represents the department at FPT meetings of the Co-ordinating Committee of Senior Officials (Criminal Justice) and leads and participates in other FPT committees and working groups
- assists in developing Manitoba's resolutions for the Criminal Section of the Uniform Law Conference of Canada
- examines and comments on federal criminal law initiatives
- leads and participates in development and implementation of legislation
- participates in Manitoba government interdepartmental working groups and committees
- provides policy assistance to other divisions in the development of programs, such as assisting the Criminal Justice Division in the re-development of *The Provincial Police Act*, and in the development of criteria for program evaluation

The following are examples of some of the special projects in which the branch participated during 2010/2011:

- led the development and implementation of amendments to *The Highway Traffic Act* to introduce a driver's licence suspension for persons convicted of drug trafficking who drove a vehicle to commit the offence
- led the development of amendments to *The Highway Traffic Act* to introduce tiered short term motor vehicle driver's licence suspensions for persons operating motor vehicles, vessels, aircraft or railway equipment

under the influence of alcohol or drugs and to expand other impaired driving sanctions to operators of vessels, aircraft or railway equipment

- led the development of amendments to *The Legal Aid Manitoba Act* that enable Legal Aid Manitoba to recover the cost of defending youth accused in criminal cases where their parents could have paid for their child's lawyer but refused to do so
- represented Manitoba Justice at the House of Commons Parliamentary Standing Committee on Justice and Human Rights hearings on federal Bill C-4 – *An Act to amend the Youth Criminal Justice Act and to make consequential and related amendments to other Acts*
- organized and provided policy support to the Minister and Deputy Minister for the February 2011 meeting of Western Ministers responsible for Justice, which was held in Winnipeg
- provided policy advice and support to the Minister for his March 2011 meeting with the federal Justice Minister on Manitoba's criminal law reform priorities
- participated in a variety of national working groups and consultations on changes to criminal law and on collection of justice data, including the FPT Impaired Driving Working Group, the FPT Cybercrime Working group, the FPT Criminal Procedure Working Group, the FPT Sentencing Working Group, and co-chairing the FPT Organized Crime Working Group
- analyzed and prepared briefing material for the department on the reports released by the Canadian Centre for Justice Statistics between April 1, 2010 and March 31, 2011

#### 1 (c) Policy Development and Analysis

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Total Salaries	397	5.00	443	(46)	
Total Other Expenditures	117		121	(4)	

### Operational Administration Component

The Administration, Finance and Justice Innovation Division of Manitoba Justice is responsible for the department's operational administration. The division is led by an assistant deputy minister with oversight of two branches: financial and administrative services, and computer services.

The assistant deputy minister of the division exercises a governance role and oversees grant funding provided to Legal Aid Manitoba, which functions as an independent Crown corporation. The assistant deputy minister is also the designated officer for receiving and investigating disclosures made by Justice employees under *The Public Interest Disclosure (Whistleblower Protection) Act*.

Although not the largest division, the support services provided by Administration, Finance and Justice Innovation Division have a significant overall impact on the daily operations of the department.

### Financial and Administrative Services

The Financial and Administrative Services Branch is comprised of three main groups: financial services, administration services and corporate services.

The financial services group assembles and co-ordinates the department's budget, processes all accounts payable, and monitors, evaluates and reports expenditures to senior management. It exercises a comptrollership function to ensure that all revenues are properly accounted for, and that all expenditures are made and reported in accordance with government policies and generally accepted accounting principles.

The administrative services group oversees the department's administrative operations and reporting. Responsibilities include procurement in general, sustainable development initiatives, contracts, leases for space and equipment, fleet vehicles, physical asset inventories, accommodations and capital project requests, staff



parking, security, insurance, accommodation cost recoveries, workplace safety and health, and related staff training.

The corporate services group co-ordinates freedom of information access requests and compliance with *The Freedom of Information and Protection of Privacy Act* (FIPPA) and *The Personal Health Information Act* (PHIA). It also provides leadership and support to a number of special cross-divisional projects such as the development of the department's annual strategic plan, sustainability indicators reporting, performance reporting, and workload indicator development and reporting. Corporate services also manages departmental records and maintains the Manitoba Justice Internet website at [www.gov.mb.ca/justice](http://www.gov.mb.ca/justice).

#### **1 (d) Financial and Administrative Services**

<b>Expenditures by Sub-Appropriation</b>	<b>Actual 2010/11 \$(000s)</b>	<b>Estimate 2010/11 FTE</b>	<b>Variance Over (Under) \$(000s)</b>	<b>Expl. No.</b>
Total Salaries	1,355	19.00	1,388 (33)	
Total Other Expenditures	444		375 69	

### **Human Resource Management**

Effective March 1, 2010 the Government of Manitoba realigned responsibility for the delivery of human resource services and the associated staff to the Civil Service Commission, with the goal to improve service delivery to all departments and employees. For additional information on the realignment, see the Civil Service Commission's 2010/2011 Annual Report.

### **Computer Services**

The Computer Services (Information Systems) Branch provides vision and leadership in the use of technology to assist the department in accomplishing its goals. The branch either directly provides, or obtains from government shared services, the required services or resources to identify, develop, implement and maintain technology solutions that assist program areas in the delivery of effective services. The branch also has the responsibility of leading the department in an annual prioritization of initiatives that have shown there would be a benefit from the incorporation of technology. This process results in an allocation of the department's resources and is intended to maximize alignment to the department's overall priorities and strategies.

The department's long-term strategy for developing Justice computer systems is referred to as the Co-operative Justice (CJ) initiative. This strategy incorporates the development of independent system modules to meet critical operational needs, while maintaining a technological framework that allows for an easy flow of data between the modules and promotes future integration and sharing of functionality. This approach is seen as the most effective and fiscally responsible method of applying systems and technology solutions to a number of separate but cooperative entities. These entities must work effectively together without compromising their independence from each other. Significant efforts have been made to ensure that all technology components support the program areas' immediate requirements and are consistent with the department's long-term strategies.

The Cooperative Justice project continued to be a major focus of the Computer Services Branch in 2010/2011. This initiative will enable the provincial criminal court system (CCAIN), the prosecutions and victim services system (PRISM), and the corrections offender management system (COMS) to exchange information and significantly enhance the processes requiring inter-divisional co-operation. It will also enable the electronic exchange of information with external partners and agencies such as the Winnipeg Police Service, Brandon Police Service and the RCMP.

Another major initiative focuses on the modernization of the Maintenance Enforcement Program's computer system. Development of the new Manitoba Maintenance Management Program (M<sup>3</sup>P) is based on an existing

application obtained from the Alberta provincial government. Reconfiguring this application is expected to significantly reduce the overall cost and time to complete the project.

The government-wide restructuring of how information and communication technology services are delivered within the Manitoba government continues to be refined. The strategy of the restructuring initiative focuses on the efficiencies that can be accomplished through the sharing of specialized resources between departments. To achieve this, technical resources were transferred from Manitoba Justice in 2006/2007 and centralized into Business Transformation and Technology (BTT), a division of the department of Innovation, Energy and Mines.

Later sections of the report will provide additional detail on information system initiatives being undertaken in the divisions.

#### 1 (e) Computer Services

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Total Salaries	1,873	6.00	1,906	(33)	
Total Other Expenditures	613		860	(247)	1
Recoverable from Part B – Capital	(50)		(50)	0	

**Explanation:**

1. Variance is due to deferred desktop refresh and software upgrades.



# Criminal Justice

The criminal justice appropriation (04-2) finances two divisions within Manitoba Justice: the Criminal Justice Division and the Manitoba Prosecutions Service. The appropriation also funds the Office of the Chief Medical Examiner.

## Administration

Administration provides executive direction and support to the Criminal Justice Division. This does not, however, include the Manitoba Prosecutions Service or the Office of the Chief Medical Examiner.

### 2 (a) Administration

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Total Salaries	372	4.00	415	(43)	
Total Other Expenditures	59		49	10	

## Manitoba Prosecutions Service

Manitoba Prosecutions Service is responsible for the prosecution of criminal and Provincial offences in Manitoba and the conduct of inquests called by the Chief Medical Examiner. These offences include alleged provincial statute breaches, *Criminal Code* and some federal charges, as well as prosecutions under the *Youth Criminal Justice Act*. Crown attorneys also review police reports and provide advice to police on the appropriate criminal charges, investigations, and procedures. In addition, Crown attorneys provide lectures and seminars to the police and the general public on justice issues. Each year, the division hires articling students and provides distinguished training in criminal litigation throughout the students' articling term.

Led by an assistant deputy attorney general (ADAG), the Manitoba Prosecutions Service has a total of 230.30 staff FTEs (of which 18.00 were added in 2010/2011 to address workload issues). The total staff complement is comprised of 4.00 management/legal positions (including the ADAG), 132.00 legal positions (including articling law students) and 94.30 professional/administrative support staff positions (including the director of business operations).

The division is organized into four branches.

### Winnipeg Prosecutions

The General Trial Unit of Winnipeg Prosecution Service prosecutes all preliminary hearings and trials in Winnipeg which are not the responsibility of one of the specialized units, or are not resolved during the intake process through referral to a community justice program, guilty plea or other alternative program.

The Community Prosecutor and Youth Court Unit are also a part of Winnipeg Prosecutions.

### Regional Prosecutions and Legal Education

Regional Prosecution offices are based in Brandon, Dauphin, Portage la Prairie, The Pas, and Thompson. Regional Crown attorneys prosecute all adult and youth offences arising in regional court locations. In conjunction with lawyers from Winnipeg, prosecutions are conducted in over 60 other communities throughout Manitoba.

The branch also provides a division-wide continuing legal education program to ensure all Crown attorneys receive updated education to enable them to fulfil their roles as prosecutors.

## Specialized Prosecutions and Appeals

This branch comprises Crown attorneys who work in a number of units, including: General Counsel; Domestic Violence, which prosecutes cases of spousal and elder abuse as well as sexual offences involving children; Commercial Crime; Provincial Statute; and the Review Board, which reviews and monitors the status of not criminally responsible (NCR) accused. This branch also includes the Criminal Organization and High Risk Offender Unit (COHROU), which consists of both the Gang Unit and the High Risk Offender Unit. The branch is also responsible for review of files for consideration of appeal and represents the Crown at appeal hearings in the Manitoba Court of Appeal and Supreme Court of Canada.

## Business Operations

The Business Operations Branch manages the division's finances, facilities, the Central File Registry, technology and general administration. Strategic and policy advice is also provided to the assistant deputy attorney general on issues affecting the division.

## Workload

The number of files (including charges laid and requests for Crown opinions) opened in Prosecutions over the past five years is as follows:

- 45,454 in 2006/2007
- 45,223 in 2007/2008
- 47,383 in 2008/2009
- 46,896 in 2009/2010
- 49,365 in 2010/2011<sup>2</sup>

## New Initiatives

During 2010/2011, Manitoba Prosecutions Service sponsored the Summary Disposition Project to reduce the average amount of time to disposition for in and out of custody uncontested matters. The project has been successful in reducing court appearances and has now been incorporated into the Winnipeg court system.

There are ongoing discussions with the RCMP and Winnipeg Police Service to speed disclosure and move toward electronic disclosure for most cases.

## 2 (b) Manitoba Prosecutions Service

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)		Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
		FTE			
Total Salaries	19,652	230.30	20,323	(671)	1
Total Other Expenditures	4,573		3,841	732	2
Total Witness Programs & Grants	1,488		742	746	3

### Explanations:

1. Variance is due to vacant and under-filled positions and an increase in retirement severance and vacation payments.
2. Variance includes travel costs to Thompson related to staff shortages, Crown circuit court travel, outside counsel and an increase in general operating expenses including records management, communications, conferences, office supplies and legal research software.
3. Variance results from court and police transcription fees volume and cost increases and additional expert fees for inquests and operating costs for witnesses.

<sup>2</sup> While Manitoba Prosecutions Service opened 49,365 files in 2010/2011, the Provincial Court processed 96,121 new adult and youth charges in the fiscal year. The primary reason for the difference is that Manitoba Prosecutions Service statistics refer to files and Courts Division statistics refer to informations. Manitoba Prosecutions Service can have one file that encompasses a series of charges relating to one incident. As well, Manitoba Prosecutions Service statistics do not include federal offences (such as the *Controlled Drugs and Substances Act* and the *Immigration and Refugee Protection Act*), municipal charges such as bylaw offences, or charges laid as private prosecutions.

## Provincial Policing

This sub-appropriation funds the Royal Canadian Mounted Police (RCMP) for provincial policing in Manitoba under the authority of *The Provincial Police Act*. RCMP services are provided under contract through the *Provincial Police Service Agreement (PPSA)*. The RCMP also provides police service to the majority of the province's larger municipalities under municipal policing agreements negotiated directly between the municipalities and the federal government. Through 84 rural and 22 municipal detachments across the province, the RCMP enforces federal and provincial statutes and municipal by-laws and administers crime prevention programs in rural municipalities, cities, towns, villages, First Nations communities and local government districts that do not provide their own police service.

First Nations policing in Manitoba is funded under this sub-appropriation. Currently, 15 of 63 First Nations communities in Manitoba have Community Tripartite Agreements for police services. Canada and Manitoba share costs for the agreements through an established sharing formula: 52 per cent from Canada and 48 per cent from Manitoba. The Dakota Ojibway Police Service (DOPS), a stand-alone Aboriginal police service, polices five First Nations communities: Birdtail Sioux, Canupawakpa, Sioux Valley, Sandy Bay and Roseau River. The RCMP, under the First Nations Community Policing Service (FNCPS), polices ten First Nations communities (an increase from nine in 2007/2008): Chemawawin, Swan Lake, Waywayseecappo, Opaskwayak, Nisichawayasihk, Peguis, Berens River, Poplar River, Bloodvein and Buffalo Point. The Aboriginal Community Constable Program (ACCP) receives funding under this sub-appropriation as well. The ACCP funds specific RCMP members working in First Nations communities that do not have policing agreements with either the Manitoba government or the federal government. These members are cost shared 46 per cent from Canada and 54 per cent from Manitoba. Future expansion of First Nations policing in Manitoba is contingent on availability of federal funding.

DNA testing, the Manitoba Integrated Organized Crime Task Force, the Auxiliary Constable Program, as well as funding support for some municipal police services are all supported with funds under this sub-appropriation.

### 2 (c) Provincial Policing

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Total Other Expenditures	108,543		109,710	(1,167)	1
Recoverable from Rural Economic Development Initiative (REDI)	(2,000)		(2,000)	0	

#### Explanation:

1. Variance is primarily due to credits from 2009/2010 relating to member complement fluctuations.

## Aboriginal and Community Law Enforcement

The Aboriginal and Community Law Enforcement branch co-ordinates and administers the Manitoba government's law enforcement objectives, priorities, programs and policies, the government's contracts with the RCMP, municipal and Aboriginal police services, and the licensing of the private investigator and security guard industry. The branch negotiates and implements all policing agreements within Manitoba on behalf of the government, and represents the department in law enforcement forums at national and international levels. The department's High Risk Witness Management Program and the Public Safety Investigations Unit are also managed by the branch.

### Private Investigators and Security Guards

Aboriginal and Community Law Enforcement is responsible for administration of *The Private Investigators and Security Guards Act*. Under the act the registrar licenses and ensures compliance with the act by all security guard and private investigation companies, as well as individual security guards and private investigators. During 2010/2011, the department issued licences to 57 private investigator/security guard companies and registered 82 employers of in-house security guards. Also, during 2010/2011, the department issued 3,500

individual private investigator/security licences. The registrar also manages the appointment of approximately 1,100 special constables under *The Provincial Police Act*.

### Public Safety Investigations

Aboriginal and Community Law Enforcement includes a special unit that investigates complaints and conducts inspections under *The Safer Communities and Neighbourhoods Act* and *The Fortified Buildings Act*. These acts target properties that affect the safety and security of neighbourhoods in various ways, including fortifications that prevent access or escape, habitual use for prostitution, production, sale and/or use of drugs, abuse of intoxicants, child sexual exploitation or child sexual abuse, the storage of illegal weapons and explosives, or selling liquor without a licence. The Public Safety Investigations (PSI) Unit has a manager, seven investigators, two video analysts and a registrar. The unit investigates complaints and applies for community safety orders under *The Safer Communities and Neighbourhoods Act*. PSI also conducts inspections and serves removal or closure orders under *The Fortified Buildings Act*.

In 2010/2011, PSI received 376 complaints under *The Safer Communities and Neighbourhoods Act*. Following investigation, 65 drug, prostitution and solvent operations involving 84 separate complaints were closed. Five complaints were referred to another agency, 69 complaints were closed due to insufficient evidence and 94 complaints remain under active investigation. Nine owners removed fortifications from their property following an inspection conducted under *The Fortified Buildings Act*; follow-up on three other owners who agreed to remove fortification was pending as of March 31, 2011.

### High Risk Witness Management Program

The High Risk Witness Management Program (HRWM) provides support and co-ordinates protection to high risk witnesses as identified by law enforcement personnel under the provisions of *The Witness Security Act*. Since its inception in 2002, the program has accepted 115 cases involving 138 witnesses, and an additional 228 individuals associated to a witness. In 2010/2011, 5 new cases involving 24 individuals were added to the 8 cases still being actively managed in this program. Four cases were closed through the court process in 2010/2011, all of which concluded with a conviction. There were no applications for admission to the federal government's Witness Protection Program<sup>3</sup> during 2010/2011. At the end of 2010/2011, the HRWM was managing 13 active cases.

### Law Enforcement Training

The branch is responsible for the allocation of federal Canadian Police College courses amongst Manitoba's police services and for assisting smaller municipal police agencies in gaining access to accredited police training institutions. The branch is also responsible for ensuring that training requirements for private security guards and for municipal by-law enforcement officers with special constable appointments are satisfied.

## 2 (d) Aboriginal and Community Law Enforcement

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)		Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
		FTE			
Total Salaries	1,379	25.00	1,689	(310)	1
Total Other Expenditures	464		651	(187)	2
Total Programs	321		285	36	

#### Explanations:

1. Variance is due to vacant staff positions and voluntary reduced work week program savings.
2. Variance is due to the deferral of discretionary expenditures for transportation, communication and supplies/services.

<sup>3</sup> The provincial HRWM program is designed for short term issues ranging from weeks up to and including four years, as well as an interim step prior to entry into the federal program. The federal program is managed by the RCMP and is designed to accommodate longer term needs.



## Victim Services

The Victim Services branch provides a wide range of services to clients throughout Manitoba, including domestic violence and child victims and victims of the most serious crimes, as outlined under *The Victims' Bill of Rights* (VBR). The branch consists of 53 staff that are based out of Winnipeg, Portage la Prairie, Brandon, Selkirk, Dauphin, The Pas, Thompson, Lac du Bonnet and Morris. Crime victim services workers (CVSWs) attend all 69 court centres and circuit locations throughout the province.

Crime victim services workers:

- explain the criminal justice process and advise victims of their options, rights and responsibilities
- provide information and assistance to victims of crime about the incident, their eligibility for victim impact statements and other victim assistance programs
- ensure accurate information is provided to victims about possible financial assistance
- provide short-term counselling and connect victims and their families with community resources
- identify and assess high-risk cases and promote victim safety through protection planning
- work with criminal justice professionals in other areas to co-ordinate and improve victim access to the criminal justice system
- provide written correspondence to Crown attorneys about victims' concerns
- provide court support and help to victims so that they can understand legal decisions

The following programs are included within the Victim Services branch: Victim Rights Support Service; Child Victim Support Service; Domestic Violence Support Service; Domestic Violence Intervention Unit; Cellphone Emergency Limited Link-up (CELL) Program; Protection Order Designates Service; Victim/Witness Assistance; Compensation for Victims of Crime; and the Victims' Assistance Trust Fund.

Highlights of branch accomplishments in 2010/2011 include:

- On June 16, 2010, Attorney General Andrew Swan and Labour and Immigration Minister Jennifer Howard announced the formation of Manitoba's Domestic Violence Death Review Committee. The committee, led by Victim Services, is currently conducting their first domestic violence homicide review to see what can be learned and to seek ways to prevent similar deaths from occurring in the future.
- *The Victims' Bill of Rights Amendment Act (Denying Compensation to Offenders and Other Amendments)* received Royal Assent on December 9, 2010. The amendments to the VBR will provide greater clarity in terms of the compensation available to witnesses, victims and family members affected by crime and will provide the program with the ability to deny compensation to individuals with serious criminal convictions.
- Victim Services continues to actively participate in efforts to develop a multi-disciplinary, child-focused Child Advocacy Centre for abused and maltreated children.

### Victim Rights Support Service (VRSS)

The VBR specifies the rights of victims of the most serious crimes in their dealings with police, prosecutors, courts and corrections officials. The first phase of the VBR came into force in August 2001 and has since expanded to include 33 of the most serious crimes. An evaluation of the VBR conducted in 2006/2007 revealed that Manitoba Justice leads victims' legislation by:

- being the most detailed on the rights of victims
- specifying prescriptive rights as opposed to provisions
- identifying the specific responsibilities of each of the various service providers

CVSWs help victims register for their rights and explain how and when they may exercise them. In 2010/2011, VRSS provided service to 492 victims.

### **Child Victim Support Service (CVSS)**

The Child Victim Support Service helps victims and witnesses of abuse (up to 18 years of age), adult survivors of sexual abuse and other vulnerable victims (on a case-by-case basis) who are involved in the criminal court process. CVSWs identify and alleviate children's fears in relation to the court experience and assist children to develop coping skills for their appearance in court. In 2010/2011, CVSS offered services to 1,283 victims.

### **Domestic Violence Support Service (DVSS)**

The Domestic Violence Support Service helps victims of domestic violence when criminal charges have been laid, or may be laid against their partners. CVSWs explain the cycle of violence, how the cycle may affect victims and their families and how to escape from it. They also help victims to develop protection plans to increase their personal safety. In 2010/2011, DVSS served 5,494 victims.

### **Protection Order Designates Service**

*The Domestic Violence and Stalking Act* allows victims of stalking or domestic violence to apply for protective orders. Victim Services provides training to community service agencies so that their staff may become designated to assist protection order applicants. To date, 35 agencies have participated in training. There are currently over 81 Protection Order Designates (PODs) in 16 communities across the province.

### **Domestic Violence Intervention Unit (DVIU)**

Established in Winnipeg in 2006, the Domestic Violence Intervention Unit offers support to families who receive police services for domestic violence incidents that occur in Winnipeg, but do not result in charges or arrests. Specially trained workers assist individuals and their families to increase their safety by providing meaningful and appropriate information, support, advocacy and referral. An evaluation completed in 2007 yielded positive results. In 2010/2011, the DVIU responded to 11,852 matters.

Outside of Winnipeg, CVSWs provide services to victims of serious crime (as defined under the VBR), victims of domestic violence and child victims/witnesses. Although no formal DVIU program is in place outside of Winnipeg, CVSWs will assist in no-charge domestic violence matters when requested to do so by police.

### **Cellphone Emergency Limited Link-Up Program (CELL)**

The CELL program is a co-operative effort between MTS, Nokia, UTStarcom, social services agencies, police services and Manitoba Justice. A provincial coordinator, in cooperation with 27 social service agencies throughout the province, manages the CELL program, which provides cellphones on a short-term basis to victims of domestic violence and stalking who are deemed to be at very high risk of violence. The phones (66 in total) are pre-programmed to dial emergency services. Nineteen high-risk victims of domestic violence accessed the program during 2010/2011.

### **Victim/Witness Assistance**

Victim/Witness Assistance provides support services to victims and witnesses of crime who are subpoenaed to appear in either Provincial Court or Court of Queen's Bench. In 2010/2011, Victim/Witness Assistance provided services to 2,649 victims of crime. Victims/witnesses receive a variety of services, including:

- assistance with filling out victim impact statements
- court orientations and accompaniments
- court cancellation notifications
- reimbursement of expense claims

In 17 separate cases in 2010/2011, independent lawyers were paid through the program to represent the interests of sexual assault victims where defence counsel applied to the court for access to the victim's counselling and/or other records.



## Victims' Assistance Trust Fund (VAF)

The Victims' Assistance Trust Fund (VAF) was created in 1986 for the purpose of promoting and delivering services to victims. Since the proclamation of the VBR in 2001, Manitoba Justice has continued to provide internal support services to victims of crime as well as grants to police-based and community-based programs.

Funds are generated from provincial and federal surcharges applied to fines or sentences set by the courts.

In 2010/2011, the department provided \$218 from the VAF to police and community agencies that provide services to victims. In 2010/2011, police-based programs that received grants included Brandon Police Victim Services and Pembina Valley Victim Services. Community-based programs that received grants included Manitoba Organization of Victim Assistance (MOVA), Eyaa Keen, North End Women's Resource Centre, TRUST (Together, Recognize and Understand Sexual Trauma), The Family Centre, Age and Opportunity, Inc. (Older Victim Services), and Aurora Family Therapy Centre – Bereavement Project and Aurora Family Therapy Centre – Unresolved Loss.

### 2 (e) Victim Services

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Total Salaries	3,285	49.50	3,472	(187)	1
Total Other Expenditures	602		606	(4)	
Grants	218		220	(2)	

#### Explanation:

1. Variance is due to vacant staff positions and voluntary reduced work week program savings.

## Compensation for Victims of Crime

Under the authority of the VBR, the Compensation for Victims of Crime Program provides compensation for personal injury or death resulting from certain crimes occurring within Manitoba. A claim may be filed by a person who is an innocent victim of a criminal incident or a surviving dependant of a person killed as a result of a crime. Compensation can include income replacement, funeral expenses, training and rehabilitation expenses, medical/dental costs and grief counselling for survivors of homicide victims.

In 2010/2011, the program processed 853 new applications for compensation. It also provided services to approximately 122 long-term pension and wage loss claimants. Total compensation expenses for the 2010/2011 fiscal year were 3.6 million dollars. Actuarial forecasts of long-term liabilities to meet the future compensation needs of all active victim compensation clients have decreased an estimated 1.4 million dollars.

### 2 (f) Compensation for Victims of Crime

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Total Other Expenditures	2,160		2,904	(744)	1

#### Explanation:

1. Variance is primarily due to a decrease in the long term liability for compensation payments offset by an increase in impairment awards.

## Law Enforcement Review Agency

The Law Enforcement Review Agency (LERA) is an independent civilian agency established under *The Law Enforcement Review Act* to investigate public complaints of abuse of authority by municipal and local police.

A registrar, clerk and four investigators assist the commissioner of LERA in handling complaints about municipal and local police conduct that arise in the execution of police duties. LERA does not investigate criminal matters. Such matters are referred to the appropriate law enforcement agency.

The act provides several ways to resolve complaints: informal resolution (mediation); admission of disciplinary default by the respondent police officer; or where evidence exists, referral to a Provincial Court judge for public hearing.

The office investigated 277 complaints during 2010/2011, as compared to 280 in 2009/2010. More information on LERA is available in the agency's annual report and on LERA's website at [www.gov.mb.ca/justice/lera](http://www.gov.mb.ca/justice/lera).

### 2 (g) Law Enforcement Review Agency

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Total Salaries	444	7.00	505	(61)	
Total Other Expenditures	98		109	(11)	

## Office of the Chief Medical Examiner

The Office of the Chief Medical Examiner (OCME) investigates all violent, traumatic, unexplained, unexpected and suspicious deaths in Manitoba, including the deaths of all children and residents of personal care homes and developmental centres, under the authority of *The Fatality Inquiries Act* (FIA). The OCME also attempts to identify situations of risk. Under the FIA, certain deaths require mandatory inquests. The purpose of an inquest, held by a provincial judge, is to make recommendations that may prevent future deaths under similar circumstances. When an inquest is not called, the Chief Medical Examiner (CME) can make recommendations to the minister, government departments or agencies and others with respect to precautions or measures to prevent other similar deaths. The OCME also handles all reports of unclaimed bodies in Manitoba under *The Anatomy Act*.

The Minister of Justice, upon the recommendation of the CME, appoints Manitoba physicians as medical examiners. They have authority under the FIA to authorize autopsies and recommend inquests as necessary. There are 48 fee-for-service medical examiners in Manitoba, 17 of whom are located in Winnipeg.

The OCME has 14 employees, including seven full-time death investigators and one part-time death investigator. During 2010/11, a total of 5,981 deaths were reported to the OCME. The office investigated and certified 1,570 of these deaths, conducted 4,411 inquiries, ordered 1,035 autopsies and called four inquests. The CME collaborates with foreign universities to provide specialized training to physicians taking post-doctoral studies in forensic pathology. The office handled 69 reports of unclaimed bodies. Approximately 3,500 requests for information are received annually.

The OCME submits a report annually to the Minister of Justice on deaths of persons while in custody, deaths of involuntary residents of psychiatric facilities, and deaths of residents of developmental centres. The OCME also submits an annual report to the Minister of Health on the disposition of unclaimed bodies. In addition, the OCME publishes an annual report for the general public to provide a detailed statistical caseload review for the year. To obtain a copy of the OCME annual statistical report, please contact the office at 204-945-2088 or toll free at 1-800-282-8069.

## 2 (h) Office of the Chief Medical Examiner

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Total Salaries	945	14.00	994	(49)	
Total Other Expenditures	2,324		2,392	(68)	

## Criminal Property Forfeiture

The Criminal Property Forfeiture Unit was established in June of 2009. Under the authority of *The Criminal Property Forfeiture Act*, the unit's director has access to a unique civil cause of action to seek forfeiture of proceeds and instruments of unlawful activity.

Civil actions under *The Criminal Property Forfeiture Act* are fully separate from criminal law and thus do not rely on successful criminal prosecutions. Forfeiture actions are initiated against property, not people. No criminal record is created and there are no findings of guilt or innocence. Although the director decides whether or not to initiate a civil forfeiture action, it is up to the Court of Queen's Bench to determine – on a balance of probabilities – whether property is proceeds or an instrument of unlawful activity. Monies resulting from successful forfeitures are deposited into the Criminal Property Forfeiture Fund. These funds are then distributed as provided for in section 19 of the act, including the compensation of victims and crime prevention activities.

Property subject to forfeiture must be located in Manitoba and includes both real property (real estate) and personal property (assets such as vehicles, jewellery and cash). Property located outside of Manitoba may also be appropriate for civil forfeiture but would need to be referred to the civil forfeiture office of jurisdiction.

*The Criminal Property Forfeiture Act* does not provide any powers of search or seizure. Instead, the act is designed to allow the director to work cooperatively with police to use evidence and information gathered in the course of *bona fide* criminal investigations. Material gathered by police during a criminal investigation can be forwarded to the director, who then determines if there is a viable civil forfeiture action. Before initiating a civil action, the director will confirm that the civil proceeding will not jeopardize or conflict with any criminal process related to the unlawful activity. In addition, the director will inquire whether the Crown has decided to pursue criminal forfeiture proceedings under federal legislation.

In the event that the director decides to initiate a civil forfeiture action, a statement of claim or application against the property is filed in the Court of Queen's Bench. The owner of the property can challenge the director's claim by filing a statement of defence or response to the application.

From April 1, 2010 through March 31, 2011, the director initiated civil forfeiture actions against 29 additional properties. By year end, the majority of these matters remained under review by the Court of Queen's Bench. This is predominantly as a result of the administrative process and time requirements for each file to make its way through court proceedings. However, fifteen files were resolved by the court during 2010/2011 with a total amount realized from the disposition of property in connection with the court orders being \$696.

Of the \$696 forfeited, the total amount paid for costs and expenses was approximately \$373 – representing monies returned to interest holders, including banks and credit unions with mortgages on properties. After accounting for costs and expenses, approximately \$323 was retained in the Criminal Property Forfeiture Fund from the 2010/2011 fiscal year to support crime prevention activities, law enforcement agencies, and compensation for victims of crime. Decisions as to how these funds will be distributed to benefit specific crime prevention, victims and law enforcement initiatives will be made in the 2011/2012 fiscal year. In addition, approximately \$73 was recoverable from the fund to pay the director's administrative and court costs in these matters.

## 2 (i) Criminal Property Forfeiture

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Total Salaries	266	4.00	440	(174)	1
Total Other Expenditures	265		334	(69)	1

### Explanation:

1. Variances are primarily due to staff positions remaining vacant pending successful recruitment.

## Manitoba Police Commission

The Manitoba Police Commission was established during 2010/2011 as the first phase of implementation of Manitoba's new *Police Services Act*. The Commission is composed of nine (9) persons appointed from across Manitoba and reflects the gender and cultural diversity of the province.

Section 7 of the act identifies the Police Commission's statutory duties as:

- (a) providing advice to the minister on regulations dealing with the operation of police services and the conduct of police officers, including regulations prescribing standards for police services and police officers;
- (b) consulting with the public on matters relating to law enforcement and policing, and providing the results of those consultations to the minister;
- (c) developing a policy and procedures manual for police boards and a code of ethical conduct for members of police boards;
- (d) arranging for training to be provided to members of police boards and civilian monitors; and
- (e) performing any other duties assigned by the minister.

Section 8 of the Act authorizes the Minister to direct the Police Commission to complete a study on a specific issue relating to policing and law enforcement.

In addition to commencing its duties and beginning meetings with police services and associations, the Manitoba Police Commission has initiated the process to hire staff and establish its office.

## 2 (j) Manitoba Police Commission

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Total Salaries	0	3.00	268	(268)	1
Total Other Expenditures	4		281	(277)	1

### Explanation:

1. Variance results from the deferral of recruitment to new staff positions until 2011/2012 pending appointment of Commission members.

## Independent Investigation Unit

The Independent Investigation Unit was established as part of Manitoba's *Police Services Act*. The *Police Services Act* requires that the unit be led by a civilian director who is not a current or former member of a police service or the Royal Canadian Mounted Police. The unit must investigate all incidents where someone dies or is seriously injured following contact with a police officer, or where it appears that a police officer has contravened a prescribed section of the *Criminal Code* or a prescribed federal or provincial statute. The unit must also be notified of all other allegations of unlawful activity involving a police officer and may decide to assume responsibility for the investigation of such incidents.

The Manitoba Police Commission must appoint civilian monitors to mandatory investigations undertaken by the Unit or where the civilian director has requested the assignment of a civilian monitor to its investigations. The recruitment and training of civilian monitors are prerequisites to proclaiming the Unit provisions of *The Police Services Act*.

Hiring of the civilian director for the Independent Investigation Unit has commenced. The Department of Justice is also continuing discussions with key stakeholders on unit-related issues and collecting information on best practices related to independent investigations of incidents involving police officers.

## 2 (k) Independent Investigation Unit

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Total Salaries	0	1.00	44	(44)	
Total Other Expenditures	6		19	(13)	



## Civil Justice

The civil justice appropriation (04-3) is comprised of the Manitoba Human Rights Commission, the Family Law Branch, the Constitutional Law Branch, Legal Aid Manitoba, and a grant to the Manitoba Law Reform Commission. Legislative Counsel, albeit a separate division of the department, is also a part of the civil justice appropriation.

Manitoba Justice's two special operating agencies – Civil Legal Services and the Public Trustee – are also discussed in this section.

### Manitoba Human Rights Commission

The Manitoba Human Rights Commission is an independent agency of the Manitoba government. It has a mandate, under *The Human Rights Code*, to restrict unreasonable discrimination and to promote equality of opportunity. The commission enforces the provisions of *The Human Rights Code*, promotes human rights and develops and delivers human rights education programs throughout Manitoba.

A board of 10 commissioners, appointed by the Lieutenant-Governor in Council, establishes policies and disposes of complaints. Commission offices are located in Winnipeg, The Pas and Brandon.

The commission received approximately 4,700 inquiries from the public during the 2010 calendar year. It disposed of 259 formal complaints and 27 matters were resolved through pre-complaint conciliation. This reflected a settlement rate of 43 per cent and a dismissal rate of 42 per cent. While five complaints were referred to adjudication, no adjudication decisions were released during the year. The highest proportion of complaints registered at the commission continued to be on the basis of physical and mental disabilities at 37 per cent.

The commission also continued to work in partnership with other organizations to promote human rights. The Racialized Communities and Police Services Project (RCAPS Project) continued in partnership with researchers from the University of Winnipeg. A new project was undertaken in partnership with the Canadian Human Rights Commission and the Treaty Commissioner's Office to set strategies to deal with the human and treaty rights of Aboriginal people in Manitoba.

Approximately 200 people attended the commission's employment seminars, which were held in Winnipeg. Outreach presentations about human rights protections and the commission were delivered to an additional 2,800 people.

The commission hosted 2 human rights youth conferences in 2010; one in Winnipeg and one in Brandon. Over 300 students and teachers from across the province attended the conferences. Using the theme *Learn to Lead*, the conferences featured a number of interactive workshops. These included a half day session with the *Me to We* leadership team who challenged the students to learn to be leaders in human rights by using the qualities of their personality types.

More detailed information on the activities of the Manitoba Human Rights Commission is available in its separate annual report which is available on the commission's bilingual website at [www.manitoba.ca/hrc](http://www.manitoba.ca/hrc).

#### 3 (a) Manitoba Human Rights Commission

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Total Salaries	1,467	21.00	1,532	(65)	
Total Other Expenditures	522		447	75	



## Legislative Counsel

Legislative Counsel prepares all Manitoba statutes and regulations in English and French. The division's two branches, Legislative Counsel and Legal Translation, are headed by the Legislative Counsel, who is an assistant deputy minister and also the law officer of the Legislative Assembly.

### Legislative Counsel Branch

This group provides legal advice to all government departments on drafting bills and regulations. It prepares final texts of all laws for publication and puts current versions of the laws on the government website at [web2.gov.mb.ca/laws](http://web2.gov.mb.ca/laws). It also provides bills on the Legislative Assembly website at [web2.gov.mb.ca/bills](http://web2.gov.mb.ca/bills). The group also does periodic reviews to ensure the acts of the legislature are up-to-date.

### Legal Translation Branch

The Legal Translation Branch provides a French language equivalent of all acts and regulations and the rules of courts and administrative tribunals. The branch also ensures all documents needed in the Legislative Assembly are available in English and French. This includes preparation of the French version of the orders of the day, votes and proceedings of the assembly, and rulings of the speaker.

### 3 (b) Legislative Counsel

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Total Salaries	2,111	22.00	2,205	(94)	1
Total Other Expenditures	322		353	(31)	

**Explanation:**

1. Variance is primarily due to vacant positions and voluntary reduced work week program savings

## Manitoba Law Reform Commission

The Manitoba Law Reform Commission (MLRC) is an independent agency of the Manitoba government established by *The Law Reform Commission Act*. The commission issues public reports on the modernization and improvement of provincial laws.

The commission has four members appointed by the Lieutenant-Governor in Council on the recommendation of the minister and is funded through grants from Manitoba Justice and the Manitoba Law Foundation.

The MLRC released two final reports as well as two informal reports in 2010/2011.

The commission submitted an informal report to the Minister of Justice on May 27, 2010. The report deals with compensation for the loss of homestead rights where a disposition is made without consent through the fraud or wrongful act of the owning-spouse. Consideration is given to whether damages should be left within the discretion of the court or whether a formulaic model of compensation which exists in other jurisdictions is preferable. Despite the acknowledged challenges of assessing damages in such cases, the commission does not recommend legislative reform to *The Homesteads Act*.

On August 31, 2010, the commission released a report on the parol evidence rule in connection with contracts that are outside the scope of *The Consumer Protection Act* as well as those contracts that are governed by *The Consumer Protection Act*. The report observes that the parol evidence rule has caused much difficulty within the law of contracts and can preclude the admission of relevant evidence of prior communication between parties to contracts. The commission considers possible legislative reform to abolish or clarify the parol evidence rule in connection with written contracts that are not governed by *The Consumer Protection Act*, but concludes that no legislative action should be undertaken. In regard to consumer transactions that fall within the scope of *The Consumer Protection Act*, this report reviews consumer protection legislation in some other Canadian

jurisdictions that have abolished the parol evidence rule. The commission recommends that improvements could be made to *The Consumer Protection Act* in Manitoba by expanding upon section 58(8) dealing with express warranties and by making this section inviolate.

On October 26, 2010 an informal report was submitted to the Minister of Justice. In this report the commission considers the law in Manitoba regarding the availability of specific performance in connection with contracts for the purchase and sale of land. As a result of recent case law from the Supreme Court of Canada and subsequent appellate decisions, there is uncertainty in other jurisdictions respecting the availability of specific performance in this context. The report considers whether a legislative amendment to *The Law of Property Act* would protect purchasers and enhance real property transactions in Manitoba.

On October 26, 2010, the commission released a report on limitations. Manitoba's *Limitations of Actions Act* was enacted in 1931, and although amended in 1967, 1980 and 2002, is based on the same principles as the original inherited English limitations legislation. In recent years several Canadian jurisdictions have enacted, and the Uniform Law Conference has proposed, legislation that simplifies, clarifies and rationalizes the law of limitations and introduces increased uniformity among the provinces. The commission's report describes the structure of the more modern limitations regimes in other jurisdictions, and recommends a new limitations system for Manitoba. In its report, the commission recommends that the various categories of claims set out in the current Act be abolished, and replaced with a single, basic two year limitation for all claims. This limitation would begin running when the claim was discovered, or ought to have been discovered, instead of when the cause of action arose. This new Act would also provide for a 15 year ultimate limitation, running from the date on which the act or omission on which the claim is based occurred. After this, no claim could be brought, regardless of discoverability. Exceptions to these rules would be limited, and would include claims arising out of sexual assaults or assaults in intimate or dependent relationships and claims of aboriginal title. Limitations would be suspended where the claimant is a minor or incapable of bringing a claim, or where the defendant wilfully conceals the claim. Another significant change recommended by the commission is the repeal of the current limitations applying to claims related to real property. The commission recommends that no limitation apply to a proceeding to recover possession of real property, but that otherwise, claims related to real property should be subject to the overall limitations regime. Finally, the commission recommends that the limitations provisions in all Manitoba statutes be examined, and abolished or amended where appropriate. The new *Limitations Act* would then provide that if there is a conflict between it and any other Act, the other Act would prevail.

The commission released a consultation paper in December 2010 with respect to updating *The Stable Keepers Act*. This paper was distributed to as many stable keepers and boarding kennel operators the commission could locate, as well as a number of agricultural offices within the province, for comment. The commission is currently coordinating the responses and preparing a draft report. This report should be completed and ready for release in the fall.

The commission was also engaged in the following projects during the year: division of pension benefits between divorced spouses; *The Tortfeasors and Contributory Negligence Act*; and conversion and detainee.

More information on the Manitoba Law Reform Commission, including its annual report is available on the Internet at [www.gov.mb.ca/justice/mlrc](http://www.gov.mb.ca/justice/mlrc).

### 3 (c) Grant to Manitoba Law Reform Commission

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Total Grant	85		85	0	

## Family Law

The Family Law Branch provides ongoing family law legal services and advice to a number of government departments and programs, including the Maintenance Enforcement Program, Family Conciliation, the Director of Child and Family Support and three regional child protection agencies, Employment and Income Assistance and the Vital Statistics Agency. The branch develops family law policy, programs and legislative initiatives at the

provincial level; and through the Co-ordinating Committee of Senior Officials (CCSO) – Family Justice, the Family Law Branch also plays an active role at the national level. The branch also works to increase awareness of family law initiatives and issues for the general public, the legal profession and law students.

Counsel provide Crown opinions/charging authorization in appropriate cases to law enforcement officials throughout Manitoba in parental child abduction cases. Counsel also deal with international child abduction situations falling under *The Hague Convention on the Civil Aspects of International Child Abduction*. The branch also handles government responsibilities under *The Inter-jurisdictional Support Orders Act*.

The following are examples of some branch activities during 2010/2011:

- continued work with federal, provincial and international officials to review the new international convention on maintenance obligations, including acting as provincial co-chair (legal) of the CCSO - Family Justice Working Group that is preparing a written analysis of the convention's compatibility with Canadian laws and assessing the operational and cost implications involved with implementation of this new international instrument
- continued active federal-provincial-territorial (FPT) work through CCSO - Family Justice by participating at the main table and on numerous working groups
- continued conduct of a feasibility study on the development of linkages between civil and criminal courts to improve accessibility to court orders respecting cases involving domestic violence
- participated in training and information sessions respecting *The Domestic Violence and Stalking Act* for protection order designates
- presented on inter-jurisdictional support and custody/access/parental child abduction issues to students at University of Manitoba, Faculty of Law
- presented at legal education sessions for various audiences including law enforcement, women's groups and the general public
- continued distribution of *Family Law in Manitoba, 2008* booklet in both print and online versions
- revised and updated family law related information on the Manitoba Justice website
- continued conduct of regular maintenance enforcement show cause hearings, including participation in the operation of the auto-order system at Winnipeg dockets
- continued conduct of video maintenance enforcement show cause dockets from Thompson
- continued work with Family Conciliation, providing comprehensive co-mediation services to parents and assisting with other Family Conciliation initiatives such as the First Choice Pilot Project and grandparent support
- assisted the Child Support Recalculation Service ("CSRS") by conducting recalculations for cases where CSRS staff counsel and contract counsel were unable to act due to a conflict of interest
- led the development of regulations necessary to pass certain provisions of *The Strengthened Enforcement of Family Support Payments and Miscellaneous Amendments Act (Various Acts Amended)*, to improve the operations of the CSRS
- led the development of a legislative initiative (Bill 25, *The Inter-jurisdictional Support Orders Amendment Act*) that was introduced April 27, 2011
- participated in the delivery of public information sessions about family justice services to three key Northern communities
- commenced work on the development of regulations to enable proclamation of the Maintenance Enforcement Program ("MEP")-related provisions of *The Strengthened Enforcement of Family Support Payments and Miscellaneous Amendments Act (Various Acts Amended)* to improve MEP's abilities to enforce support (linked to new MEP computer system)

The branch consists of a director, nine Crown counsel and four support staff.

### 3 (d) Family Law

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Total Salaries	1,577	15.00	1,705	(128)	
Total Other Expenditures	184		169	15	

## Constitutional Law

The Constitutional Law Branch provides the provincial government with efficient, cost-effective legal services on constitutional matters.

Branch counsel provide advice to government departments on constitutional issues when drafting programs and legislation. They also provide advice on language rights, Aboriginal and treaty rights, Aboriginal title claims, Aboriginal consultation requirements and constitutional issues of national concern. In 2010/2011, the branch provided a total of 240 constitutional opinions to various government departments.

Branch counsel also defend government programs and legislation before the courts in response to constitutional challenges in civil and criminal cases. In 2010/2011, the branch received 117 notices of constitutional challenge. Eighty-four notices (72 per cent) involved criminal cases while 33 notices (28 per cent) were constitutional challenges in civil claims against the provincial government.

During 2010/2011, branch counsel appeared in all levels of court in Manitoba and in the Supreme Court of Canada on a variety of constitutional cases including cases on prosecutorial discretion, equality rights and challenges to *The Wildlife Act*, *The Fisheries Act*, *The Forest Act*, *The Highway Traffic Act*, *The Securities Act*, *The Child and Family Services Act*, *Employment Insurance Act* and the *Criminal Code of Canada*. Branch counsel also provided assistance to Prosecutions regarding constitutional issues raised in criminal cases including admissibility of evidence, unreasonable delay, disclosure obligations, arbitrary detention, appointment of counsel and allegations of abuse of process.

The branch consists of a director, six Crown counsel and three support staff.

### 3 (e) Constitutional Law

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Total Salaries	979	10.00	1,114	(135)	1
Total Other Expenditures	174		227	(53)	

#### Explanations:

1. Variance is primarily due to vacancies and voluntary reduced work week program savings.

## Legal Aid Manitoba

Legal Aid Manitoba (LAM) is an independent agency of the provincial government established by *The Legal Aid Manitoba Act*. The agency is managed by a management council consisting of at least seven but no more than nine members appointed by the Lieutenant-Governor in Council.

LAM provides three types of services: drop-in advice and information, formal representation and duty counsel. Formal representation is limited to serious criminal matters, serious immigration matters and many family matters; moreover, it is provided to individuals who meet financial eligibility guidelines. Duty counsel provides early stage legal representation for individuals who qualify financially, who are in custody or have been arrested or charged with an offence. LAM also has a number of special programs such as the Public Interest Law Centre and the University of Manitoba Law Clinic, as well as poverty law, northern paralegal and other outreach programs.

Highlights of agency accomplishments in 2010/2011 included the following:

- LAM introduced a cap of \$250,000 on the amount that individual private bar lawyers can bill in a given fiscal year.
- LAM converted its poverty law delivery model from using lawyers to utilizing paralegals. In many cases, having paralegals trained in specific areas such as residential tenancies, social assistance, workers



compensation, etc. provides excellent results at a fraction of the cost of retaining lawyers. In addition, some tribunals appear more responsive to paralegals than lawyers.

- LAM implemented the use of video conferencing across the province to reduce the cost of staff travelling into Winnipeg for meetings. The estimated savings per meeting is \$5,000 once travel and down time are factored into the cost.
- LAM successfully recruited articling students and junior lawyers in northern Manitoba and phased out contracts instituted in 2007/2008 to provide services to northern regions from Winnipeg.
- In 2010/2011, LAM completed training all supervisors as part of its commitment to team development. This training will assist with restructuring the administration and community law offices to better serve the public.

A significant challenge LAM continued to face in 2010/2011 was another extreme reduction in its annual statutory grant from the Manitoba Law Foundation. Funding is generated through interest earned on lawyers' trust accounts. Low interest rates adversely affects the revenue available to LAM. The statutory grant went from a high of \$3,743,943 in 2009 to \$500,350 in 2011. In response to this challenge, LAM implemented further cost reduction options during the year to maintain the level of service Manitobans have come to expect from LAM.

In 2010/2011, 30,294 people applied for legal aid. Of those, 24,973 were granted legal aid services by a staff or private bar lawyer. In addition, 9,021 people were provided with informal advice and information and 42,265 were assisted by duty counsel. In all, the total number of people assisted during the year was 76,259. The number of civil certificates issued in 2010/2011 was 5,469 compared to 6,110 in the previous year.

More information on Legal Aid Manitoba, including its annual report, is available on the Internet at [www.legalaid.mb.ca](http://www.legalaid.mb.ca).

### 3 (f) Legal Aid Manitoba

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Total Salaries	12,992		14,263	(1,271)	1
Total Other Expenditures	10,632		8,455	2,177	2

**Explanation:**

1. Variance is due to vacant and under-filled staff positions.
2. Variance results from a significant decrease in funding from the Manitoba Law Foundation which previously offset the impact of a private bar tariff increase.

*Note: All staff positions assigned to Legal Aid are excluded from the departmental full time equivalent position count due to their Crown corporation status.*

## Civil Legal Services

Civil Legal Services functions as the law firm to the provincial government. It provides legal services to all government departments, agencies, boards, commissions, committees and government corporations that do not have their own legal counsel. The role of Civil Legal Services flows from the constitutional and statutory responsibilities of the Attorney General as the chief legal advisor to government and the guardian of the public interest.

While Civil Legal Services commenced operation as a provincial government special operating agency (SOA) on April 1, 1995, it remains a branch within Manitoba Justice. Detailed information on the agency can be found in the *Annual Report of the Civil Legal Services Special Operating Agency*. This report is available on the Internet at [www.gov.mb.ca/justice/publications/annualreports](http://www.gov.mb.ca/justice/publications/annualreports).



## **The Public Trustee**

The Public Trustee provides trustee services for a fee to the people of Manitoba in situations where no one else is capable or willing to do so. The Public Trustee provides the following types of trustee services:

- administering estates and making personal decisions for people who are not mentally capable of doing so
- administering the estates of mentally competent people who have granted a power of attorney to the Public Trustee
- administering the estates of people who have died in Manitoba with no one else capable or willing to act as administrator
- administering trust monies for people under 18
- administering some adult trusts

While the Public Trustee commenced operation as a provincial government special operating agency (SOA) on April 1, 1996, it remains a branch within Manitoba Justice. Detailed information on the Public Trustee can be found in the agency's annual report. This report is available on the Internet at [www.gov.mb.ca/justice/publictrustee/](http://www.gov.mb.ca/justice/publictrustee/).

# Corrections

As the largest division of the department, Corrections contributes to the protection of society by: administering sentences imposed by the courts, the humane care, control and reintegration of offenders into society, working with community agencies, government departments and other levels of government to implement crime prevention activities and policies, and the encouragement of active community participation in achieving these objectives.

The corrections appropriation (04-4) is comprised of three sub-appropriations: Corporate Services, Adult Corrections and Youth Corrections.

During 2010/11, the Corrections Division continued to face the challenge of accommodating high levels in the adult custody population. From 2009/2010 to 2010/2011, the average adult custody population increased by 8 per cent and the four year cumulative increase from 2006/2007 to 2010/11 was 35 per cent. While the division experienced a 7 per cent increase in the average youth custody population from 2009/2010 to 2010/2011, the four year cumulative trend from 2006/2007 to 2010/2011 was an increase of 23 per cent. In order to manage increasing offender populations, the government has committed to expanding available bed-space in provincial correctional facilities.

Highlights of divisional activities in 2010/11 included the following:

- The division continued to operate the Winnipeg Auto Theft Suppression Strategy (WATSS) in 2010/11 in collaboration with Manitoba Public Insurance, the Winnipeg Police Service and the Manitoba Prosecutions Service. This four-tiered program seeks to turn low-risk offenders away from auto theft crime with a community-based intervention strategy. Supervision increases significantly as young offenders enter the high and very-high-risk groups. Through the collaborative efforts of WATSS, auto theft has been reduced by 78 per cent in Winnipeg since 2005. The WATSS has now been expanded to include adult offenders who are subject to the same program expectations as the youth.
- A gang suppression and prevention initiative called 'Spotlight' continued to operate in 2010/11. This program is designed to combine close supervision and swift consequences with collaborative community services to help youth deal with substance abuse, stay in school or find a job. The division also continued to work in partnership with the National Crime Prevention Centre to continue the support of five specific gang prevention initiatives in Winnipeg's inner-city. These programs are part of the three-pronged approach to reducing youth gang activity in the province through prevention, intervention and suppression initiatives.
- The Division expanded the Gang Response and Suppression Program (GRASP) in 2010/11. GRASP is an integrated initiative aimed at gang violence that brings together police, prosecutions and probation to coordinate an intensive community risk management plan.
- An additional five youth crime prevention Lighthouses were initiated during 2010/2011 bringing the provincial total to 66 Lighthouse sites. The five new Lighthouse sites are: Berens River, Brochet, Cross Lake and in Winnipeg, Dalhousie School and the Immigration and Refugee Community Organizations of Manitoba. The Division also supported the development of two youth cadet programs in Sioux Valley and Sandy Bay.
- The division participated in the development of Manitoba's Youth Corporate strategy as recommended by the Premier's Economic Advisory Committee. The Youth Corporate strategy contains a new employment program for multi-barrier, high risk youth that will commence in early 2011/12. This program will begin in Winnipeg and The Pas and be available for justice involved youth to learn life skills and gain employment opportunities.
- The division continued to develop plans and initiate construction of a number of additional bed space expansion projects in 2010/2011. The construction of a new 84 bed expansion at Brandon Correctional Centre was completed. The construction of a new women's correctional facility to be located in the Rural Municipality of Headingley continued and is expected to be completed by the fall 2011, with an expected occupation date of January 2012. A 40 bed expansion at The Pas Correctional Centre commenced and is expected to be completed by the fall of 2011. The construction of a 64 bed modular expansion commenced at Milner Ridge Correctional Centre (MRCC), and is expected to be completed by the summer of 2011. As well, the division continued to develop additional detailed design and development plans for a further 160 bed expansion at Milner Ridge Correctional Centre (Phase 2) which is expected to be completed by the summer of 2012. To address youth bed space challenges, construction of a new 48 bed expansion was completed at Agassiz Youth Centre in Portage la Prairie.
- The Youth Corrections Branch continued to support its partnership with two service providers formerly funded under the Empowering Justice Project: New Directions for Children, Youth and Families in their work

with high risk youth involved with auto theft and the Winnipeg School Division No. 1 CHOICES Program in their work with at risk youth.

- A partnership was continued with Nova Scotia to implement the ongoing pilot electronic monitoring program for up to 20 high-risk auto theft offenders. This pilot project is testing the use of electronic monitoring technology to provide GPS surveillance of young offenders charged with auto theft in Winnipeg.
- Manitoba Corrections continued moving forward with the development and implementation of a new Case Management Model. The new Model applies a new standard of case management service delivery in community corrections and correctional centers across the province. Integral to the principles of the model is the notion of integrated service delivery while ensuring offenders seamlessly transition between case managers by utilizing similar risk assessment tools, intervention skills, and methods, all of which are evidence-based and grounded in the "What Works" literature.
- The division provides funding to the Manitoba Métis Federation (MMF), Southern Chiefs' Organization (SCO) and Manitoba Keewatinowi Okimakanak (MKO) to support community justice alternative programming in their respective communities. Ongoing support was also provided to Onashowewin (a community-based Aboriginal justice program that provides community justice alternatives to both adult and young offenders) in Winnipeg, and the Community Holistic Circle of Healing in Hollow Water that delivers a holistic approach to address the community's justice needs including working with victims, victim support, offenders, offender support and the community.

Information on prison industry activities is provided in Appendix V.

## Corporate Services

The Corporate Services Branch provides leadership to the division in co-ordinating the integration of services to all branches as well as strategic policy development, budget analysis and control, capital planning and review, information system development and maintenance, co-ordination of chaplaincy and medical services, internal investigations, operational reviews and audits, training, program development, research and Aboriginal service development.

During 2010/2011, the training component of the Corporate Services Branch was responsible for training 232 new correctional officers for adult and youth custody facilities. This represents a decrease compared to 2009/2010 when 251 new correctional officers were trained.

### 4 (a) Corporate Services

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Total Salaries	1,734	23.00	2,198	(464)	1
Total Other Expenditures	726		595	131	2

#### Explanation:

1. Variance is primarily due to vacant and under-filled staff positions.
2. Variance results from an increase in recruitment advertising and training costs.

## Adult Corrections

The Adult Corrections Branch manages adult offenders sentenced to less than two years<sup>4</sup> and remanded adult offenders. The branch also supports community justice measures and case manages offenders in the community and in custody.

The branch is responsible for the care and custody of adult offenders sentenced to prison for up to two years less a day, or detained in custody while waiting for a court disposition (which is known as remand custody). It also provides services for offenders in custody to help them reintegrate into society. The branch operates seven

<sup>4</sup> Offenders sentenced to two years or more in custody become the responsibility of the federal government (Correctional Service of Canada).

correctional institutions: Milner Ridge Correctional Centre, Portage Correctional Centre for Women, The Pas Correctional Centre, Brandon Correctional Centre, Dauphin Correctional Centre, Headingley Correctional Centre and the Winnipeg Remand Centre.

Branch staff manage court orders involving offender supervision in the community, preparing court reports and providing community justice as an alternative to the formal court process. Offender supervision in the community involves probation, conditional sentences, community service and peace bond orders, fine option, risk assessment, non-compliance management and behaviour intervention programs. Community justice approaches include mediation, conferences, forums and community justice committees. Community corrections offices for adult offenders serving their sentences in the community are located in Winnipeg and a number of rural centres across Manitoba.

The following are highlights of program volumes in 2010/2011:

- The average monthly adult probation and conditional sentence supervision caseload size in 2010/2011 increased to 6,743 from 6,561 from the previous year.
- Adult offender registrations in the fine option program increased in 2010/2011 to 949 from 897 the previous year, while adult offender community service order registrations increased to 1,245 from 1,109 the previous year.
- The average daily adult custody population in Manitoba increased in 2010/2011 to 2,019 from 1,870 the previous year.
- The percentage of the total province custody population in remand status (65 per cent) continued to exceed the percentage of sentenced offenders (35 per cent). Last year, the percentages were 72 per cent and 28 per cent respectively.

#### 4 (b) Adult Corrections

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Total Salaries	119,989	1,250.64	103,645	16,344	1
Total Other Expenditures	19,140		13,728	5,412	2
Total Programs and External Agencies	2,392		2,445	(53)	
Total Recoveries from Other Appropriations	(3)		(5)	2	

##### Explanations:

1. Variance reflects the significant additional staff and overtime requirements as a result of the high adult custody population.
2. Variance is due to requirements for additional volume sensitive items, particularly food, drugs, clothing, bedding, transportation and supplies, to accommodate the high custody population.

#### Youth Corrections

The Youth Corrections Branch is responsible for the continuum of services for youth involved with the law. The branch is directly responsible for the two youth institutions (Manitoba Youth Centre and Agassiz Youth Centre), probation services in Winnipeg, and policy direction throughout Manitoba on all other youth justice matters.

Branch staff manage court orders involving youth, prepare court reports, and provide community justice as an alternative to the formal court process. Offender supervision in the community also involves new supervision orders under the *Youth Criminal Justice Act*. The branch is also responsible for community service orders, fine option, the Intensive Support and Supervision Program, the Youth Bail Management Program and behaviour intervention programs. Community justice approaches include mediation, conferences, forums and community justice committees. Community corrections offices, which provide support for young offenders serving their sentences in the community as well as young people who have been referred to community justice, are located in Winnipeg and a number of rural centres across Manitoba.

The Crime Prevention Unit is assigned to the Youth Corrections sub-appropriation. This unit utilizes approaches such as working with community, municipal, provincial and federal partners to develop and implement a variety



of crime prevention policies, initiatives and approaches including children and youth programs, community-based initiatives, and conferences.

The Youth Corrections Branch is also responsible for the delegated authority of the provincial director under the *Youth Criminal Justice Act*. This involves a series of responsibilities, including issuing warrants, suspensions and changing levels of custody.

The following are highlights of program volumes in 2010/2011:

- The average youth probation supervision caseload size in 2010/2011 decreased to 1,633 from 1,653 the previous year.
- Young offender registrations in the fine option program increased in 2010/2011 to 318 from 307 the previous year, while young offender community service order registrations increased to 701 from 651 the previous year.
- There were 47 justice committees operating across the province during 2010/2011 and more than 200 volunteer committee members administered community justice (extra-judicial) measures and provided crime prevention and community education services in their communities.<sup>[1]</sup>
- The Turnabout program supported 132 children and families to assist them in accessing community-based prevention supports. The program also developed a new wrap around program for high risk children and families that will be implemented in 2011.
- The branch partnered with Public Safety Canada to host a provincial roundtable in March 2011 that focused on prevention of human trafficking and as well as continuing to participate in the advancement of Tracia's Trust, Manitoba's sexual exploitation strategy.
- The average daily youth custody population in Manitoba increased to 269 in 2010/2011 from 253 the previous year.

The following are highlights of the branch's program development initiatives in 2010/2011:

- An auto theft suppression initiative was continued in collaboration with Manitoba Public Insurance, the Winnipeg Police Service and the Manitoba Prosecutions Service.
- The gang suppression and prevention initiative called 'Spotlight' was continued in 2010/2011. This program is designed to combine close supervision and swift consequences with collaborative community services to help youth deal with substance abuse, stay in school or find a job. It is part of the three-pronged approach to reducing youth gang activity in the province through prevention, intervention and suppression initiatives.
- The Youth Corrections Branch continued its partnership with New Directions for Children, Youth and Families in their work with high risk youth involved with auto theft. Under this partnership these youth have access to counselling services to address such issues as anger management and various life issues to overcome personal obstacles to success such as attitude and problem-solving skills; and to an employment program that is designed to provide in-class skill development for employment and real work experience.
- In an effort to better understand and effectively deal with youth with complex needs, Youth Corrections trained staff at the Manitoba Youth Centre and Agassiz Youth Centre in Trauma Informed Care, Mental Health First Aid and Fetal Alcohol Spectrum Disorder (FASD).
- Eight community-based crime prevention initiatives continued to be supported through the partnership with the National Crime Prevention Centre, in addition to the continuing five youth gang prevention projects in Winnipeg's inner-city.
- The branch continued a partnership with Nova Scotia to implement the ongoing pilot electronic monitoring program for up to 20 high-risk auto theft offenders. This pilot project is testing the use of electronic monitoring technology to provide GPS surveillance of young offenders charged with auto theft in Winnipeg.

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<sup>[1]</sup> In addition to the youth justice committees, the Youth Corrections Branch has other volunteers assisting in delivering correctional services in the community and in youth custody facilities. These activities include tutoring, bail supervision and other services.



#### 4 (c) Youth Corrections

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Total Salaries	36,961	447.48	36,546	415	1
Total Other Expenditures	3,840		4,210	(370)	2
Total Programs and External Agencies	1,926		2,184	(258)	3

**Explanations:**

1. Variance is due to unexpected overtime costs and the early opening of the expansion at Agassiz Youth Centre.
2. Variance in the Intensive Rehabilitative Custody and Supervision program related to special projects.
3. Variance relates to the Empowering Justice initiative program grants.

#### Justice Initiatives Fund – Corrections

This section lists Justice Initiative Fund (JIF) expenditures through Corrections Division programs. Please see the Justice Initiatives Fund section of this report for more information on this fund.

#### 4 (d) Justice Initiatives Fund

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Allocation 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Aboriginal Justice Strategy	600		600		
Corrections – Aggression Replacement Training (ART)	28		30	(2)	
Crime Prevention	60		60		
Electronic Monitoring	136		131	5	
Healthy Child Manitoba	15		15		
Lighthouses	731		749	(18)	
New Directions for Children, Youth and Families	177		177		
Safe Schools Manitoba	66		66		
SafetyAid Crime Prevention for Older Manitobans	150		150		
Onashowewin	250		250		
<b>Total</b>	<b>2,213</b>		<b>2,228</b>	<b>(15)</b>	

## Courts

The Courts Division manages the effective and efficient delivery of court services throughout the province. This includes criminal, family, civil, small claims and summary conviction court matters, court security, prisoner transport, civil enforcement of court orders, and operational support. These services are provided through the division's five branches: Court Services, Winnipeg Courts, Regional Courts, Judicial Services and Manitoba Sheriff Services. The courts appropriation (04-5) is comprised of five sub-appropriations for the division's five branches.

Division services are provided to three levels of court: the Court of Appeal, the Court of Queen's Bench (including the Small Claims Court) and the Provincial Court (including the Summary Convictions Court). (See Appendix II, III and IV for more information on Manitoba court locations and circuits.)

The division manages the Maintenance Enforcement Program (MEP) which enforces court orders and separation agreements that require payment of family support. If necessary, collection action may be taken, including interception of federal payments, garnishing orders, seizure of personal property, property liens, suspension of driving privileges, denial of passports and prosecution.

The division also manages the Fine Collection Program and the Restitution Program. The Fine Collection Program, on behalf of the Manitoba government, municipal governments and the Victims' Assistance Trust Fund, processes, disburses and enforces provincial statute and *Criminal Code* fines that have been ordered by the court. If necessary, collection action may be taken if the fine is not paid voluntarily and within court prescribed time limits. This may include registering the debt with a third party collection agency or credit reporting agency, placement of holds on driver's licences and vehicle registrations, garnishing orders, property liens or property seizure. The Restitution Program monitors the payment of court ordered restitution (money owed to a victim of crime). If payment is not made, the program will advise Corrections Division staff for further action or charges, or advise the victim on the necessary steps to proceed to civil judgment.<sup>5</sup>

The Review Board forms part of the Courts Division. It is an independent panel established under the *Criminal Code* to deal with those charged with a criminal offence who have been found unfit to stand trial or have been found not criminally responsible because of a mental disorder.<sup>6</sup>

The division includes the Vehicle Impoundment Registry which is the administrative centre where the status of each vehicle seized in Manitoba is recorded. Detailed information on the Vehicle Impoundment Registry can be found in its annual report. To obtain a copy, call 204-945-4454 in Winnipeg.

The division has also provided operational and/or grant support to the Helen Betty Osborne Memorial Foundation (HBOMF) since its inception in 2000. This foundation provides educational assistance to Aboriginal students attending Manitoba post-secondary institutions.

The following are highlights of division initiatives in 2010/11:

- Digital Audio Recording Initiative – The division completed its installation of digital audio recording software within all courtrooms across the Province, including all circuit court locations. As at the end of the 2010/11 fiscal year, the installation of the recording software on the laptops of the Judicial Justices of the Peace remained outstanding. Installation was deferred pending Desktop Refresh. Key indicators of success of this initiative include the reliability of the system, improved audio quality, improved efficiency of work processes, minimized risk of equipment failure resulting in court proceedings not being recorded, and user satisfaction.
- Maintenance Enforcement Program – The program has continued its work on replacing its outdated computer system which will occur by modifying a system that Manitoba has purchased from the Government of Alberta to develop the new Manitoba Maintenance Management Program (M<sup>3</sup>P). Legislative amendments

<sup>5</sup> Restitution ordered solely to Manitoba Public Insurance (MPI) is excluded from this process. MPI monitors these restitution orders separately.

<sup>6</sup> In accordance with *The Public Sector Compensation Disclosure Act*, the six members of the Review Board received \$90,000 in compensation in the aggregate and there were no board members that individually received compensation of \$50,000 or more annually.

(4<sup>th</sup> Session, 39<sup>th</sup> Legislature) were also passed in the legislative session for additional requirements of the new computer system.

- Summary Convictions Amendment Act – Legislative amendments were also passed in the legislative session (5<sup>th</sup> Session, 39<sup>th</sup> Legislature) to enable an additional fee to be charged to offenders who fail to pay their court-ordered fines on time. This legislation was passed to reduce significant collection costs paid to a third-party collection agency to collect unpaid fines.

## Court Services

The Court Services Branch provides Winnipeg Courts, Regional Courts, Judicial Services and Manitoba Sheriff Services with expertise in administration, financial management, governance, project reviews, management information systems, and facilities design and use. The branch is also responsible for the collection of court ordered family support and fines.

Highlights during the 2010/11 fiscal year included:

- In 2010, the Maintenance Enforcement Program had more than 15,400 accounts and disbursed \$48.6 million dollars in maintenance payments to recipients, and also directed a total of \$3.0 million dollars to the Minister of Finance to offset income assistance costs. The program also took the following enforcement actions against debtors during 2010: issued 2,214 federal garnishing orders, 3,290 regular garnishing orders and 21 pension garnishing orders; placed 1,959 notices of intent to suspend driver's licences; and served 149 summonses by Sheriff Services Civil Enforcement to appear before the court. Special investigative and enforcement efforts continued to be focused on the relatively small number of debtors who have habitually failed to comply with their support obligations.
- In 2010/11, the Fine Collection Program processed \$42.1 million dollars (comprised of \$23.5 million in provincial revenue) for provincial statute and *Criminal Code* fines that were paid voluntarily and within court prescribed time frames. In addition, over 22,218 active driver's licence holds were put in place and 1,167 collection actions (which include garnishing wages and bank accounts and seizing personal property) were taken for outstanding fines. Overall in 2010/11, enforcement action resulted in a total of \$11.1 million dollars (comprised of \$7.1 million in provincial revenue) in outstanding fines recovered - including large account balances.
- The Large Account Balance Program was implemented in 2006/07 to target large balance accounts that have outstanding overdue accounts totalling more than \$2,000. The initiative is in its fourth year and has collected \$6.5 million dollars to date.
- The Restitution Program received and disbursed approximately \$646 million, in restitution payments to victims of crime.

### 5 (a) Court Services

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Total Salaries	4,839	82.50	5,171	(332)	1
Total Other Expenditures	2,073		2,342	(269)	2
Recoverable from Part B – Capital	(280)		(227)	(53)	

#### Explanations:

1. Variance is due to vacant staff positions and the Manitoba Maintenance Management Program (M<sup>2</sup>P) data migration project.
2. Variance is due to M<sup>2</sup>P maintenance and support deferrals until implementation in 2011/12 and a surplus in fine commissions.

## Winnipeg Courts

The Winnipeg Courts Branch provides operational and administrative support to efficiently manage and process all matters in the Court of Appeal, the Court of Queen's Bench (civil, criminal and family), and the Provincial Court (adult, youth, family and Summary Convictions Court). Services are also provided to eight circuit court locations outside Winnipeg.

The Winnipeg Courts Branch accepts guilty pleas and/or payments of fines issued by agencies throughout Manitoba. The branch also accepts deposits of monies which are held in trust and later disbursed through the Suitors' Trust System.

The branch is responsible for the operations of the jury management system, ensuring that sufficient jurors are available to meet the jury trial needs of the Court of Queen's Bench.

Branch highlights for 2010/11 included:

- The Manitoba Court of Appeal centre opened 190 new files in the 2010 calendar year.
- The Winnipeg and St. Boniface Court of Queen's Bench centres opened 17,893 new files and added 182,063 documents to the Court Registry System.
- A total of \$3.7 million dollars was received and held in trust within the Suitors' Trust System.
- The Provincial Court processed 53,692 new charges<sup>7</sup> (youth and adult) in the Winnipeg centre.
- Summary conviction matters totalled 199,283 in new tickets (charges) issued by agencies throughout Manitoba, with the majority being administered through the Summary Convictions Court in Winnipeg. These included 108,695 regular Common Offence Notice (CON) tickets and 90,588 Image Capturing Enforcement System (ICES) tickets.
- Thirteen jury trials were held in Winnipeg and Winnipeg Jury Management issued 18,450 jury summonses (out of 32,000 names obtained from Manitoba Health cards).
- The Transcription Services Unit (TSU) arranged for transcription of over 118,568 pages of court proceedings, representing approximately 2,763 transcript requests.
- The Review Board held 106 hearings, totaling 31 sitting days, for patients under its jurisdiction. During 2010/11, the board dealt with a total of 93 patients. As of March 31, 2011, 93 patients remained under the board's jurisdiction.
- The Vehicle Impoundment Registry maintained records for 3,852 vehicles seized from people driving while suspended or prohibited; with blood alcohol content over .08; refusing a breathalyzer; refusing or failing a field sobriety test; or committing prostitution related offences.

### 5 (b) Winnipeg Courts

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Total Salaries	7,497	153.25	7,638	(141)	
Total Other Expenditures	1,371		1,287	84	

<sup>7</sup> While Manitoba Prosecutions Service opened 49,365 files in 2010/11, the Provincial Court processed 96,121 new adult and youth charges in the fiscal year. The primary reason for the difference is that Manitoba Prosecutions Service statistics refer to files and Courts Division statistics refer to charges. Manitoba Prosecutions Service can have one file that encompasses a series of charges relating to one incident. As well, Manitoba Prosecutions Service statistics do not include federal offences (such as the *Controlled Drugs and Substances Act* and the *Immigration and Refugee Protection Act*), municipal charges such as bylaw offences, or charges laid as private prosecutions.



## Regional Courts

The Regional Courts Branch provides operational and administrative support to efficiently manage and process all matters in the Court of Queen's Bench (civil, criminal and family) and the Provincial Court (adult, youth and family) outside Winnipeg. The regional courts structure provides decentralized court services in two regional centres, Thompson and Brandon. Services are provided in 12 court locations and 48 circuit court locations.

The Regional Courts Branch accepts guilty pleas and/or payments of fines issued by agencies throughout Manitoba. The branch also accepts deposits of monies which are held in trust and later disbursed through the Suitors' Trust System.

The branch also manages the Aboriginal Courtwork Program, which helps Aboriginal people develop a better understanding of their rights and obligations in the criminal justice system. These court workers explain the court process; the nature of the charges and possible results; help obtain lawyers for the accused; and may also provide support in court. Their services are provided in English, Cree, Ojibwé, Oji-Cree and Dakota at court and circuit court locations throughout Manitoba. The Aboriginal Courtwork Program continues to be engaged in a national education strategy that builds on the information collected from the Prior Learning and Recognition (PLAR) process.

The courtworkers assist in enhancing the awareness and appreciation of the values, customs, languages and living conditions of Aboriginal people. They respond to and follow-up on the problems and special needs caused by communication barriers which exist between Aboriginal people and those who are involved in the administration of the court system.

The Regional Courts Branch works with Aboriginal communities to enhance their involvement in the court process. Regional Courts encourages First Nation communities to identify Elder roles in the court process and to promote regular participation at sittings of the Provincial Court in their communities. Through agreements with the Manitoba Keewatinowi Okimakanak (MKO) and St. Theresa Point First Nation, Courts Division programs enable communities to establish community justice workers who work with their respective First Nations to utilize traditional healing to bring offenders and the community to peaceful solutions, liaise with the police and the Crown to foster understanding of community issues, and provide the judiciary with options for culturally appropriate dispositions.

Branch highlights for 2010/11 included:

- The regional Court of Queen's Bench centres opened 3,999 new files and added 48,167 documents to the Court Registry System.
- The Provincial Court processed 42,429 new charges<sup>8</sup> (youth and adult) in the regional court offices.
- Two jury trials proceeded in the regions and 2,150 jury summonses were issued (out of 10,000 names obtained from Manitoba Health cards).
- The Aboriginal Courtwork Program assisted 7,446 clients.
- The five regional Transcription Services Units arranged for transcription of approximately 36,809 pages of court proceedings, representing 1,012 transcript requests.

### 5 (c) Regional Courts

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Total Salaries	4,377	76.58	4,324	53	
Total Other Expenditures	2,281		2,170	111	

<sup>8</sup> While Manitoba Prosecutions Service opened 49,365 files in 2010/11, the Provincial Court processed 96,121 new adult and youth charges in the fiscal year. The primary reason for the difference is that Manitoba Prosecutions Service statistics refer to files and Courts Division statistics refer to charges. Manitoba Prosecutions Service can have one file that encompasses a series of charges relating to one incident. As well, Manitoba Prosecutions Service statistics do not include federal offences (such as the *Controlled Drugs and Substances Act* and the *Immigration and Refugee Protection Act*), municipal charges such as bylaw offences, or charges laid as private prosecutions.



## Judicial Services

The Judicial Services Branch provides direct support to the judiciary of the Court of Appeal, the Court of Queen's Bench and the Provincial Court through judicial assistants, researchers and coordinators. Judicial services are also provided throughout the province by small claims court officers and justices of the peace. Branch staff facilitate the effective operation of the courts by acting as a liaison between the judicial branch of government, the executive branch of government, the public and the legal profession.

Under the direction of the Chief Justice of the Court of Queen's Bench and the Chief Judge of the Provincial Court, all appearances on criminal, civil and family matters before the courts are scheduled by coordinators to ensure effective use of judicial resources and courtrooms. This includes Provincial Court pre-trial coordinators who preside in court to ensure that procedural matters are addressed within agreed-upon timelines, freeing up judges to deal with the substantive legal issues.

Over 160 justices of the peace (including 21 judicial justices of the peace) provide judicial services in 14 court locations and over 60 communities under the judicial direction of the Chief Judge of the Provincial Court. There are three types of justices of the peace in Manitoba: judicial justices of the peace, staff justices of the peace and community justices of the peace. Judicial justices of the peace perform duties where independence from the executive and legislative branches of government is required such as conducting trials and sentencing hearings under *The Summary Convictions Act*, making protection orders under *The Domestic Violence and Stalking Act*, and issuing search warrants. Staff justices of the peace are located in court offices throughout the province and their duties include such matters as setting hearing dates, reviewing documents with an accused person and processing the laying of charges. Community justices of the peace are community members who volunteer to perform duties similar to staff justices of the peace in their community such as the swearing of Informations, witnessing documents and issuing subpoenas.

Five court officers in the Court of Queen's Bench hear small claims court matters in 18 locations throughout Manitoba.

Branch highlights for 2010/11 included:

- Ongoing educational programs were provided to all justices of the peace through the office of the Director of Justice of the Peace Services under the direction of the Chief Judge of the Provincial Court.
- Ongoing training was provided to judicial justices of the peace to enable more summary conviction trials to be heard in Winnipeg.
- Development of an electronic Provincial Court "rota" (scheduling) system continued.
- Ongoing monitoring of a case management initiative implemented in the Provincial Court in Winnipeg and Portage la Prairie to more efficiently manage multi-day criminal cases.
- Implementation of a new criminal trial court scheduling process in the Court of Queen's Bench in Winnipeg to make the scheduling of criminal matters more efficient.

More information on the Provincial Court of Manitoba is available in its annual report, which is available on the Manitoba Courts website at [www.manitobacourts.mb.ca](http://www.manitobacourts.mb.ca).

### 5 (d) Judicial Services

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)		Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
		FTE			
Total Salaries	17,845	83.50	17,181	664	1
Total Other Expenditures	2,150		2,011	139	2

#### Explanations:

1. Variance is primarily due to unfunded salary increase for judges, masters and judicial justices of the peace; and retirement severance and vacation payouts.
2. Variance is due to increased expenditures for judicial travel, transcripts, publications, desktop, judicial appointment committee and other operating costs.

## Sheriff Services

Sheriff Services is comprised of Winnipeg and regional Sheriff Services' offices.

Winnipeg operations are responsible for the security of 53 courtrooms in the Winnipeg Law Courts Complex and the security at eight circuit court locations. A perimeter security system is operated at the Winnipeg Law Courts Complex, preventing weapons and other contraband from entering the facility.

Regional operations has five offices located at Portage la Prairie, Brandon, Dauphin, The Pas and Thompson. Regional Sheriffs service 12 court and 48 circuit court locations.

Sheriff Services is responsible for the transport of all incarcerated persons to and from court from the various federal and provincial correctional facilities in Manitoba. Sheriffs also enforce all writs of seizure and sale; conduct evictions; arrest individuals on civil warrants; and serve various summonses, subpoenas, protection orders and other court directed documents.

Branch highlights for 2010/11 included:

- Winnipeg sheriffs transported 8,335 prisoners to court, travelled 508,098 kilometres by road and 29,804 kilometres by air.
- Regional sheriffs transported 16,716 prisoners to court, traveled 758,537 kilometres by road and 174,485 kilometres by air.
- Sheriff Services provided security at eight jury trials in Winnipeg and two in regional court offices.
- Winnipeg Sheriffs utilized video conferencing technology for 9,755 prisoner court appearances.
- Regional Sheriffs utilized video conferencing technology for 619 prisoner court appearances.
- Sheriff Officers scanned 309,461 individuals entering the Winnipeg Law Courts Complex.
- Sheriff Officers scanned 6,226 individuals during 24 high security matters in the Brandon Law Courts Complex.
- Sheriffs served a total of 3,255 legal documents including protection orders and subpoenas (2,180 by Winnipeg officers; 1,075 by regional officers).
- Sheriffs executed 307 writs of seizure and sale (256 by Winnipeg officers; 51 by regional officers).
- The Civil Enforcement Unit issued 3,491 sheriffs' certificates provincially.
- Total monies received from all sources (including sheriffs' certificates) was \$199,000.

### 5 (e) Sheriff Services

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
Total Salaries	7,509	97.97	6,461	1,048	1
Total Other Expenditures	2,593		1,828	765	1

**Explanation:**

1. Variance is comprised of additional staffing and travel costs related to an increase in prisoner escorts.

## Costs Related to Capital Assets

Manitoba Justice's inventory of capital assets includes machinery, equipment and information systems. The department is required to amortize its assets, which is a gradual write-off of the initial cost of the asset over its useful life. In addition, interest expense is also applied to capital funds on net book value.

Major capital assets requiring amortization in 2010/2011 included SAP support, government air, and existing assets including equipment and information systems projects and major computer applications.

- SAP support refers to the protection, maintenance and enhancement of the government's SAP software. Introduced in 1999, SAP (Systems, Applications and Products in Data Processing) is the integrated management software Manitoba uses to support business and administrative requirements across government. SAP software is used by many staff and as a result Manitoba Justice is required to pay a share of the overall government amortization costs for the system.
- Government air refers to the department's contribution (based on use) to amortize the province's fleet of aircrafts, used primarily by justice personnel for circuit court travel.
- The existing asset inventory includes information systems projects, major computer applications, furniture, equipment and machinery.

The amortization of existing assets and interest expense are provided as of March 31, 2011.

### 04-6 Costs Related to Capital Assets

Expenditures by Sub-Appropriation	Actual 2010/11 \$(000s)	FTE	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
SAP support	340		340		
Government air	224		224		
Amortization—Existing assets at March 31, 2011	1,263		1,575	(312)	1
Interest expense	719		808	(89)	1
<b>Total</b>	<b>2,546</b>		<b>2,947</b>	<b>(401)</b>	

#### Explanation:

1. Variance is primarily due to Maintenance Enforcement Tracking project extended into 2011/12 and no amortization and interest for projects that were not started in 2010/11 due to time constraints.

## Financial Information Section

### Reconciliation Statement of Printed Vote

DETAILS	2010/11 ESTIMATES \$(000s)
<b>2010/11 MAIN ESTIMATES</b>	<b>\$ 402,157</b>
<b>MAIN ESTIMATES AUTHORITY TRANSFERRED FROM:</b>	
- Justice Initiatives	2,228
- Internal Service Adjustments	1,182
<b>2010/11 ESTIMATE</b>	<b>\$ 405,567</b>

**Note:** As per *The Appropriation Act, 2010* the variance from the 2010/11 Main Estimates reflects adjustments to the Minister's salary (\$9).

# Manitoba Justice

## Expenditure Summary

for the fiscal year ended March 31, 2011 with comparative figures for the previous year

2010/11 Estimate \$(000s)	Appropriation	2010/11 Actual \$(000s)	2009/10 Actual \$(000s)	Increase (Decrease) \$(000s)	Variance Expl. No.
<b>04-1 Administration, Finance &amp; Justice Innovation</b>					
37	(a) Minister's Salary	37	46	(9)	
	(b) Executive Support				
637	Salaries	618	765	(147)	
95	Other Expenditures	109	142	(33)	
	(c) Policy Development and Analysis				
443	Salaries	397	492	(95)	
121	Other Expenditures	117	129	(12)	
	(d) Financial & Administrative Services				
1,388	Salaries	1,355	1,225	130	
375	Other Expenditures	444	430	14	
	(e) Human Resource Services				
	Salaries			0	
	Other Expenditures			0	
	(f) Computer Services				
1,906	Salaries	1,873	1,917	(44)	
860	Other Expenditures	613	758	(145)	
(50)	Less: Recoverable from Part B - Capital	(50)	(130)	80	
<b>5,812</b>	<b>Subtotal 04-1</b>	<b>5,513</b>	<b>5,774</b>	<b>(261)</b>	



# Manitoba Justice

## Expenditure Summary

for the fiscal year ended March 31, 2011 with comparative figures for the previous year

2010/11 Estimate \$(000s)	Appropriation	2010/11 Actual \$(000s)	2009/10 Actual \$(000s)	Increase (Decrease) \$(000s)	Variance Expl. No.
<b>04-2 Criminal Justice</b>					
	(a) Administration				
415	Salaries	372	294	78	
49	Other Expenditures	59	59	0	
	(b) Manitoba Prosecutions Service				
20,323	Salaries	19,652	19,021	631	
3,841	Other Expenditures	4,573	4,711	(138)	
742	Witness Programs	1,488	1,241	247	1
	(c) Provincial Policing				
109,710	Gross Expenditures	108,543	100,580	7,963	2
(2,000)	Recovery: Rural Economic Development Initiatives	(2,000)	(2,000)	0	
	(d) Aboriginal and Community Law Enforcement				
1,689	Salaries	1,379	1,390	(11)	
651	Other Expenditures	464	465	(1)	
285	Programs	321	289	32	
	(e) Victim Services				
3,472	Salaries	3,285	3,250	35	
606	Other Expenditures	602	575	27	
220	Grants	218	186	32	
	(f) Compensation for Victims of Crime				
2,904	Other Expenditures	2,160	6,721	(4,561)	3
	(g) Law Enforcement Review Agency				
505	Salaries	444	459	(15)	
109	Other Expenditures	98	93	5	

1. Prosecutions –Witness Programs - Variance is related to an increase in court and legal transcripts and witness fees for medical testimony.

2. Provincial Policing – Year-over-year increase in member salaries and operating expenses.

3. Compensation for Victims of Crime – Variance results from a decrease in medical, pension, wage loss and rehabilitation benefits and compensation claims.

# Manitoba Justice

## Expenditure Summary

for the fiscal year ended March 31, 2011 with comparative figures for the previous year

2010/11 Estimate \$(000s)	Appropriation	2010/11 Actual \$(000s)	2009/10 Actual \$(000s)	Increase (Decrease) \$(000s)	Variance Expl. No.
	(h) Office of the Chief Medical Examiner				
994	Salaries	945	920	25	
2,392	Other Expenditures	2,324	2,424	(100)	
	(i) Criminal Property Forfeiture				
440	Salaries	266	156	110	
334	Other Expenditures	265	198	67	
	(j) Manitoba Police Commission				
268	Salaries	0	0	0	
281	Other Expenditures	4	0	4	
	(k) Independent Investigation Unit				
44	Salaries	0	0	0	
19	Other Expenditures	6	0	6	
0	(l) Justice Initiatives	0	19	(19)	
<b>148,293</b>	<b>Subtotal 04-2</b>	<b>145,468</b>	<b>141,051</b>	<b>4,417</b>	

# Manitoba Justice

## Expenditure Summary

for the fiscal year ended March 31, 2011 with comparative figures for the previous year

2010/11 Estimate \$(000s)	Appropriation	2010/11 Actual \$(000s)	2009/10 Actual \$(000s)	Increase (Decrease) \$(000s)	Variance Expl. No.
<b>04-3 Civil Justice</b>					
	(a) Manitoba Human Rights Commission				
1,532	Salaries	1,467	1,538	(71)	
447	Other Expenditures	522	533	(11)	
	(b) Legislative Counsel				
2,205	Salaries	2,111	2,139	(28)	
353	Other Expenditures	322	316	6	
85	(c) Grant to Manitoba Law Reform Commission	85	85	0	
	(d) Family Law				
1,705	Salaries	1,577	1,483	94	
169	Other Expenditures	184	184	0	
	(e) Constitutional Law				
1,114	Salaries	979	1,102	(123)	
227	Other Expenditures	174	185	(11)	
	(f) Legal Aid Manitoba				
14,263	Salaries	12,992	12,562	430	
8,455	Other Expenditures	10,632	10,468	164	
<b>30,666</b>	<b>Subtotal 04-3</b>	<b>31,046</b>	<b>30,696</b>	<b>450</b>	

# Manitoba Justice

## Expenditure Summary

for the fiscal year ended March 31, 2011 with comparative figures for the previous year

2010/11 Estimate \$(000s)	Appropriation	2010/11 Actual \$(000s)	2009/10 Actual \$(000s)	Increase (Decrease) \$(000s)	Variance Expl. No.
<b>04-4 Corrections</b>					
2,198	(a) Corporate Services				
595	Salaries	1,734	1,776	(42)	
	Other Expenditures	726	773	(47)	
	(b) Adult Corrections				
103,645	Salaries	119,989	113,124	6,865	4
13,728	Other Expenditures	19,140	17,229	1,911	5
2,445	Programs and External Agencies	2,392	2,681	(289)	
(5)	Recoveries from Other Appropriations	(3)	(2)	(1)	
	(c) Youth Corrections				
36,546	Salaries	36,961	33,699	3,262	6
4,210	Other Expenditures	3,840	3,704	136	
2,184	Programs and External Agencies	1,926	1,983	(57)	
2,228	(d) Justice Initiatives	2,213	2,122	91	
<b>167,774</b>	<b>Subtotal 04-4</b>	<b>188,918</b>	<b>177,089</b>	<b>11,829</b>	

4. Adult Corrections – Salaries – Variance is primarily due to increased staffing costs related to overcrowding in the institutions.

5. Adult Corrections – Operating – Variance is due to an increase in transportation, food, clothing, equipment and supplies related to high inmate population.

6. Youth Corrections – Salaries – Variance relates to the assignment of additional staff to the youth centres as a result of an increase in incidents.



# Manitoba Justice

## Expenditure Summary

for the fiscal year ended March 31, 2011 with comparative figures for the previous year

2010/11 Estimate \$(000s)	Appropriation	2010/11 Actual \$(000s)	2009/10 Actual \$(000s)	Increase (Decrease) \$(000s)	Variance Expl. No.
<b>04-5 Courts</b>					
	(a) Court Services				
5,171	Salaries	4,839	4,874	(35)	
2,342	Other Expenditures	2,073	1,817	256	
(227)	Less: Recoverable from Part B - Capital	(280)	(99)	(181)	
	(b) Winnipeg Courts				
7,638	Salaries	7,497	7,488	9	
1,287	Other Expenditures	1,371	1,586	(215)	
	(c) Regional Courts				
4,324	Salaries	4,377	4,436	(59)	
2,170	Other Expenditures	2,281	2,280	1	
	(d) Judicial Services				
17,181	Salaries	17,845	18,557	(712)	
2,011	Other Expenditures	2,150	2,342	(192)	
	(e) Sheriff Services				
6,461	Salaries	7,509	6,880	629	7
1,828	Other Expenditures	2,593	2,227	366	8
0	(f) Justice Initiatives	0	0	0	
<b>50,186</b>	<b>Subtotal 04-5</b>	<b>52,255</b>	<b>52,388</b>	<b>(133)</b>	
<b>2,947</b>	<b>04-6 Costs Related To Capital Assets</b>	<b>2,546</b>	<b>2,038</b>	<b>508</b>	
<b>405,567</b>	<b>TOTAL EXPENDITURES</b>	<b>425,745</b>	<b>408,935</b>	<b>16,810</b>	

7. Sheriff Services – Salaries - Variance is primarily due to an increase in staffing costs for prisoner escorts.

8. Sheriff Services – Operating – Variance is primarily due to an increase in travel costs for prisoner escorts.

# Manitoba Justice

## Expenditure Summary

for the fiscal year ended March 31, 2011 with comparative figures for the previous year

2010/11 Estimate \$(000s)	Appropriation	2010/11 Actual \$(000s)	2009/10 Actual \$(000s)	Increase (Decrease) \$(000s)	Variance Expl. No.
<b>Department Summary 04 by Main Appropriation</b>					
5,812	(1) Administration, Finance & Justice Innovation	5,513	5,774	(261)	
148,293	(2) Criminal Justice	145,468	141,051	4,417	
30,555	(3) Civil Justice	31,045	30,595	450	
167,774	(4) Corrections	188,918	177,089	11,829	
50,186	(5) Courts	52,255	52,388	(133)	
2,947	(6) Costs Related To Capital Assets	2,546	2,038	508	
<b>405,567</b>	<b>Total</b>	<b>425,745</b>	<b>408,935</b>	<b>16,810</b>	

# Manitoba Justice

## Revenue Summary

for the fiscal year ended March 31, 2011 with comparative figures for the previous year

Actual 2009/10	Actual 2010/11	Increase (Decrease)	Source	Actual 2010/11	Estimate 2010/11	Variance	Explanation Number
<b>GOVERNMENT OF CANADA</b>							
435	435		0 Aboriginal Court Worker Program	435	435	0	
563	563		0 Child Centered Family Justice Fund	563	562	1	
4,803	4,801		(2) Legal Aid Agreement	4,801	4,760	41	
1,785	1,084		(701) Special Projects	1,084	1,029	55	1
6,433	6,433		0 Youth Justice Services and Programs Agreement	6,433	6,433	0	
<b>14,019</b>	<b>13,316</b>	<b>(703)</b>	<b>Sub-Total</b>	<b>13,316</b>	<b>13,219</b>	<b>97</b>	
<b>OTHER REVENUE</b>							
486	477		(9) Cost Recovery from City of Winnipeg (Remand Centre)	477	486	(9)	
2,661	2,772		111 Cost Recovery from Municipalities	2,772	2,722	50	
5,115	5,363		248 Cost Recovery from Victims' Assistance Fund	5,363	5,507	(144)	
1,142	587		(555) Escheats to the Crown	587	50	537	2
27,318	30,550		3,232 Fines and Costs	30,550	34,256	(3,706)	3
8,007	8,841		834 Law Fees	8,841	7,169	1,672	4
3,182	3,108		(74) Sundry	3,108	3,052	56	
<b>47,911</b>	<b>51,698</b>	<b>3,787</b>	<b>Sub-Total</b>	<b>51,698</b>	<b>53,242</b>	<b>(1,544)</b>	
<b>61,930</b>	<b>65,014</b>	<b>3,084</b>	<b>TOTAL DEPARTMENTAL REVENUE</b>	<b>65,014</b>	<b>66,461</b>	<b>(1,447)</b>	

### Explanation Number:

**1. Special Projects - \$55 Over Estimate and \$701 Under 2009/2010 Actual**

Variances are due actual expenditures for the case load and special projects relating to the Intensive Rehabilitative Custody Supervision Program and the expiration of the Empowering Justice Program.

**2. Escheats to the Crown - \$537 Over Estimate and \$555 Under 2009/2010 Actual**

Variances are due to the write-off of large unclaimed estates held by The Public Trustee.

**3. Fines and Costs - \$3,706 Under Estimate and \$3,232 Over 2009/2010 Actual**

Variance is related to a decrease in the volume of photo enforcement tickets resulting from increased public awareness which is offset by an increase in speeding fines and court costs in 2010.

**4. Law Fees - \$1,672 Over Estimate and \$834 Over 2009/2010 Actual**

Variances are due to an increase in Court of Queen's Bench filing fees and an increase in the number and value of claims filed.

# Manitoba Justice

## Historical Information

### Five Year Expenditure and Staffing Summary by Appropriation \$(000s)

For Years Ending March 31, 2006 to March 31, 2011

APPROPRIATION	Actual/*Adjusted Expenditures									
	2006/07		2007/08		2008/09		2009/10		2010/11	
	FTE	\$(000's)	FTE	\$(000's)	FTE	\$(000's)	FTE	\$(000's)	FTE	\$(000's)
04-1 Admin., Finance & Justice Innovation	41.00	5,045	41.00	5,482	41.00	5,788	40.00	5,774	40.00	5,513
04-2 Criminal Justice	259.80	110,712	279.30	121,206	294.30	132,194	296.30	141,051	337.80	145,468
04-3 Civil Justice	208.50	26,726	211.50	26,470	67.00	28,242	67.00	30,595	68.00	31,045
04-4 Corrections	1,394.04	121,401	1,413.23	134,003	1,509.64	160,204	1,637.16	177,089	1,721.12	188,918
04-5 Courts	463.80	43,618	471.80	45,067	478.80	48,059	485.80	52,388	493.80	52,255
04-6 Costs Related To Capital Assets		2,040		2,194		2,127		2,038		2,546
<b>Total</b>	<b>2,367.14</b>	<b>309,542</b>	<b>2,416.83</b>	<b>334,422</b>	<b>2,390.74</b>	<b>376,614</b>	<b>2,526.26</b>	<b>408,935</b>	<b>2,660.72</b>	<b>425,745</b>

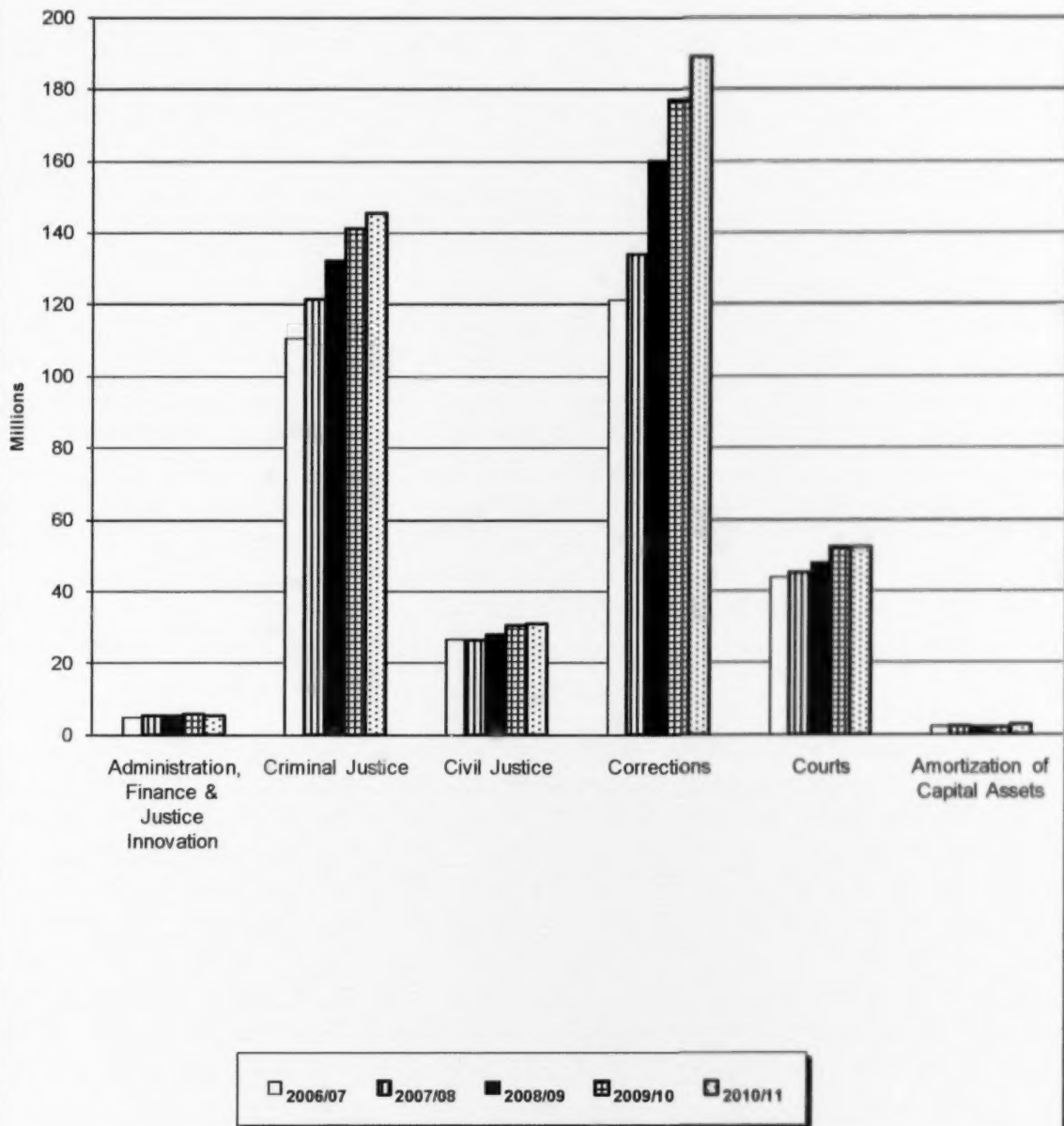
Note: The 2009/2010 position count for Civil Justice reflects the exclusion of Legal Aid Manitoba positions due their Crown corporation status. The 2005/2006 position count for Courts reflects the exclusion of judge's and master's positions and 2006/2007 reflects the exclusion of judicial justices of the peace in recognition of their judicial independence.

Note: Actual expenditures for 2008/2009 and thereafter reflect the inclusion of the full annual cost of employee pension liability.



# Manitoba Justice

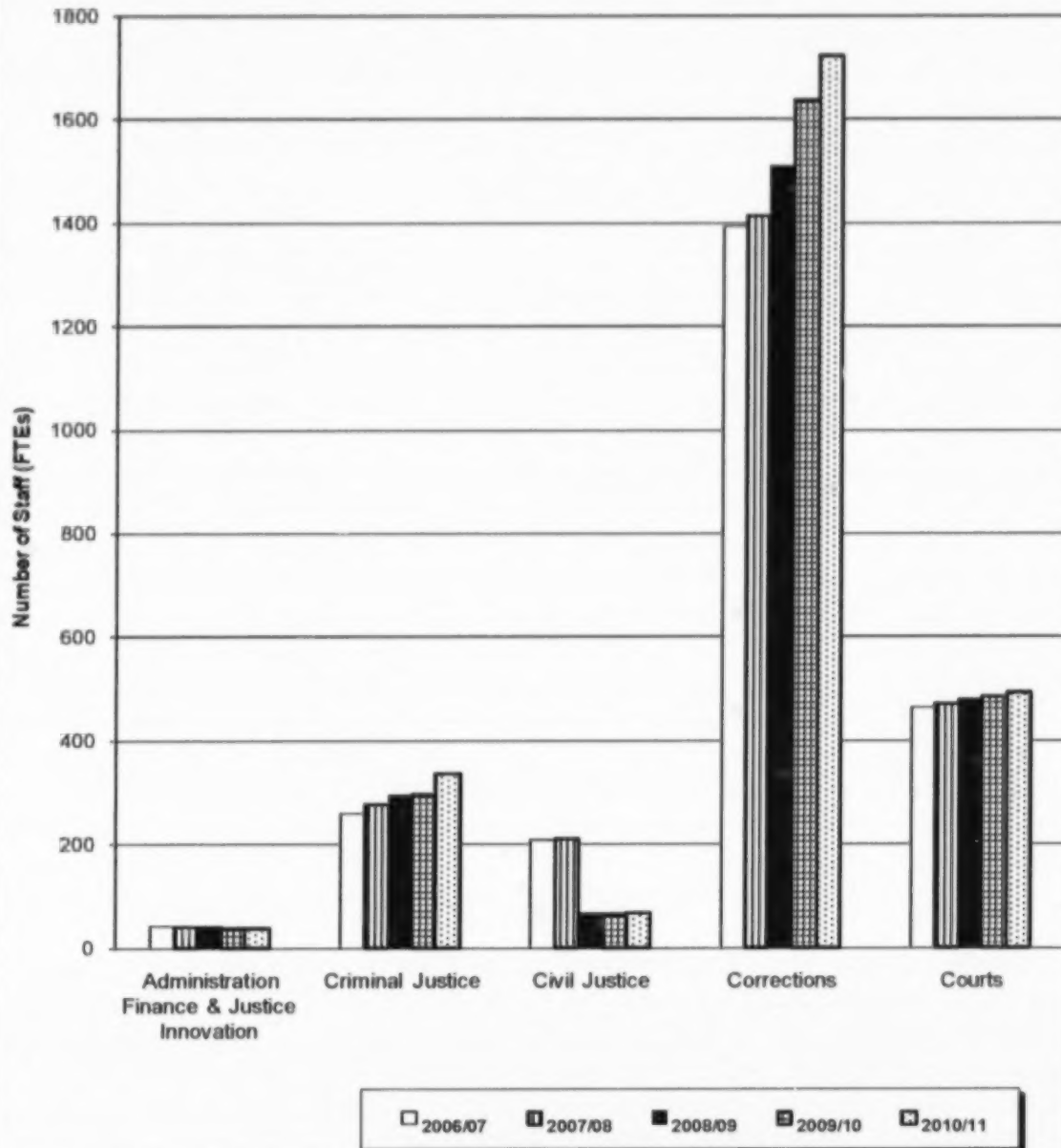
## Five Year Expenditure History by Appropriation Structure



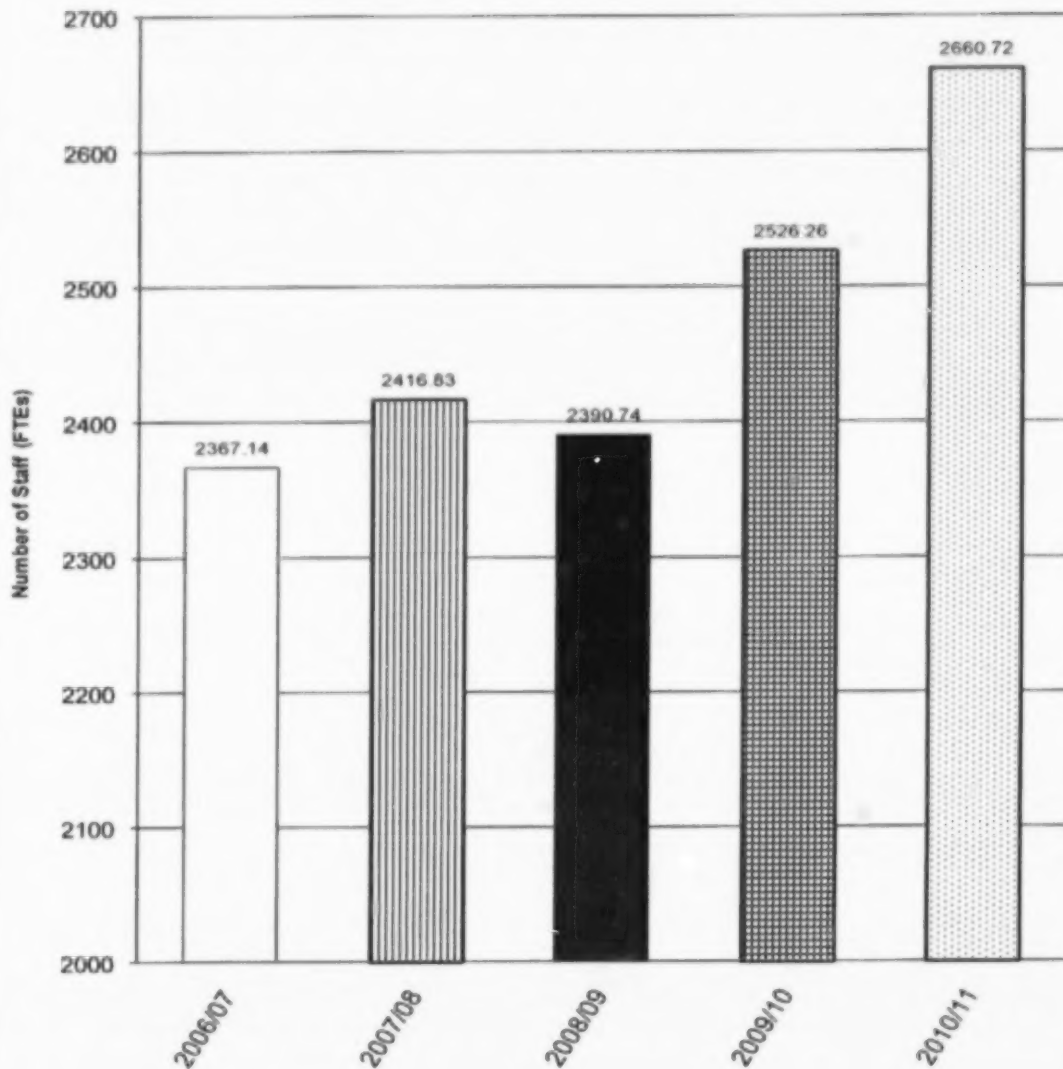
# Manitoba Justice

## Five Year Staffing History

### by Operating Divisions



**Manitoba Justice**  
**Five Year Staffing History**  
**(Total Department)**



# Performance Reporting

The following section provides information on key performance measures for the department for the 2010/2011 reporting year. This is the fifth year in which all Government of Manitoba departments have included a performance measurement section, in a standardized format, in their annual reports.

Performance indicators in departmental annual reports are intended to complement financial results and provide Manitobans with meaningful and useful information about government activities, and their impact on the province and its citizens.

For more information on performance reporting and the Manitoba government, visit [www.manitoba.ca/performance](http://www.manitoba.ca/performance).

Your comments on performance measures are valuable to us. You can send comments or questions to [mbperformance@gov.mb.ca](mailto:mbperformance@gov.mb.ca).

## Notes on Justice Performance Measure Information

The law and the justice system are important to Manitobans because they provide order in society, a peaceful way to settle disputes, and a means of expressing the values and beliefs of our province and country. The justice system deals with a broad range of criminal, constitutional and administrative laws. It also provides processes to resolve private disputes peacefully and fairly in matters such as contracts, property ownership, family rights and obligations, and damages to property.

One of the most unique, and arguably challenging, features within the justice system is the number of independent, but interdependent participants in the criminal justice continuum with defined legal responsibilities: police, prosecutors, defence lawyers (including legal aid counsel), members of the judiciary in three levels of court and corrections officials. Each participant has distinct roles and responsibilities, and many are at odds with one another, yet for the system to be effective the stakeholders must understand, accept, and respect each others' roles and responsibilities. Manitoba Justice, as a provincial government department, has a variety of roles to play in supporting the overall system through its stated vision of *"a safe, just and peaceful society supported by a justice system that is fair, trusted, effective and understood."*

Despite the importance of the justice system in supporting the social well-being of Manitobans, it is very difficult to adequately measure its effectiveness because of the complexity of our laws, the number of independent stakeholders in the system, the need for fairness and due process, and the extremely wide variety of individual matters that the system must handle.

Developing valid and reliable performance indicators will continue to pose a challenge for the department as we look into the future. Despite these significant challenges, Manitoba Justice has committed to embarking on a performance measures initiative. The measures that the department has developed thus far are described in the table below.



What is being measured and using what indicator?	Why is it important to measure this?	Where are we starting from (baseline measurement)?	What is the most recent available value for this indicator?	What is the trend over time?	Comments/ Recent Actions/ Report Links
(1) Safer communities, by measuring the number of police officers per capita in Manitoba as compared to other provinces.	<p>Strong and effective policing enhances safety in Manitoba communities.</p> <p>Manitoba Justice directly funds the RCMP provincial police services and the Manitoba government provides grants to support major municipal police forces.</p>	<p>This measure compares Manitoba to other provinces on an ongoing basis.</p> <p>Manitoba was second highest among the provinces in 2000, with 187 police officers per 100,000 population.</p>	<p>In the 2010 calendar year, Manitoba had the second highest number of police officers per capita of any province in Canada with 206 per 100,000 population.</p> <p>See Figure 1, page 64.</p>	<p>Manitoba has maintained a ranking of second or third highest among the provinces in the past five years (i.e., 2006 – 2010).</p> <p>The actual per capita number has increased from 187 to 206 since 2000.</p>	<p>Policing has been strengthened throughout the province with funding for a significant number of additional police officers to serve Winnipeg, Brandon, rural and northern Manitoba.</p> <p>Manitoba's new The Police Services Act received royal assent on October 2009 and the Department has commenced a phased-in implementation of the new Act. A significant milestone was achieved when the province announced the appointment of a new police commission in February 2011.</p>
(2) Safer communities, by measuring the number of operations in problem properties (including drug, sniff and prostitution houses) closed by the Public Safety Investigations Unit (PSIU).	<p>Manitoba enacted <i>The Safer Communities and Neighbourhoods Act</i> and <i>The Fortified Buildings Act</i> to target properties that continually and habitually present problems of public safety.</p> <p>These problem properties include fortified buildings, places where drugs are sold or used, alcohol is sold without a licence, sniff is made available, prostitution and related activities are taking place, children are being sexually abused or exploited, or unlawful firearms, weapons or explosives are being stored.</p>	<p><i>The Safer Communities and Neighbourhoods Act</i> came into force on February 19, 2002.</p> <p>Thirty-six operations were closed in 2003, the first full year of operations for the PSIU.</p>	<p>In the 2010 calendar year, 68 operations in problem properties were closed in Manitoba.</p>	<p>The number of operations closed has been increasing over the past five years.</p> <p>From the 2002 establishment of the PSIU through to the end of the 2010 calendar year, almost 500 operations in problem properties have been closed in Manitoba.</p> <p>See Figure 2, page 64.</p>	<p>Manitoba's <i>Safer Communities and Neighbourhoods Act</i> has established a national precedent in reclaiming the safety and security of neighbourhoods plagued by drugs, prostitution and solvent abuse.</p> <p>A number of Canadian jurisdictions have developed similar legislation based on Manitoba's example.</p>

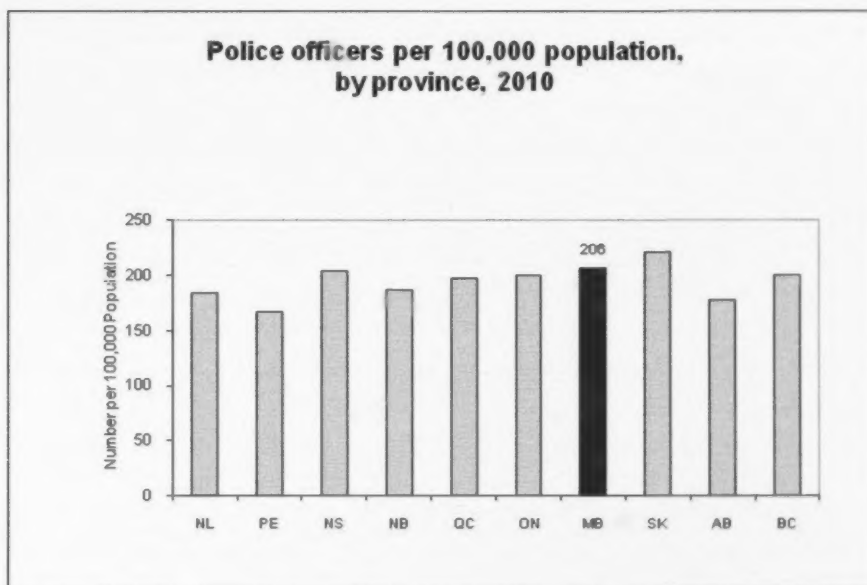
What is being measured and using what indicator?	Why is it important to measure this?	Where are we starting from (baseline measurement)?	What is the most recent available value for this indicator?	What is the trend over time?	Comments/ Recent Actions/ Report Links
(3) Aboriginal justice, by measuring the percentage of Aboriginal people served by First Nations policing programs.	<p>Making justice processes more respectful of Aboriginal cultures and values is an ongoing goal of Manitoba Justice.</p> <p>First Nations policing programs provide First Nations communities with more input into the policing services that they receive.</p>	The federal First Nations Policing Policy (FNPP) was established in 1991.	An estimated 30 per cent <sup>9</sup> of Manitoba's First Nations communities were receiving funding under the FNPP for the 2010 calendar year.	<p>Since the First Nations Policing Policy (FNPP) was created in 1991, the percentage of Aboriginal people served by First Nations policing programs has been increasing.</p> <p>Estimated percentages only, however, are available at this time.</p>	<p>During 2010/2011, the RCMP under the First Nations Community Policing Service (FNCPS) policed ten First Nations communities.</p> <p>The Dakota Ojibway Police Service – a standalone First Nations police service – was policing 5 First Nations in Manitoba in 2010.</p> <p>Future expansion of First Nations policing in Manitoba is contingent on renewed availability of federal funding.</p>
(4) Offender accountability and safer communities, by measuring the Manitoba adult incarceration rate as compared to other provinces.	Manitoba is taking an aggressive stand on violent and gang-related crimes by continuing to oppose bail for those crimes as well as advocating for longer periods of incarceration.	<p>This measure compares Manitoba to other provinces on an ongoing basis.</p> <p>Manitoba's adult incarceration rate for 2009/2010 was higher than the national average (138 per 100,000 adults) and increased 12% from the previous year.</p>	<p>Manitoba's 2009/2010 adult incarceration rate was the highest of all Canadian provinces with 199 inmates in custody per 100,000 adult population.</p> <p>See Figure 3, page 65.</p>	Manitoba has had the second highest rate among the provinces in the past five years prior to 2010.	<p>In order to manage increasing offender populations, the government has committed to expanding available bed-space in provincial correctional facilities.</p> <p>Construction was completed on the expansion of Brandon Correctional Centre. Expansions planned for Milner Ridge (Phase 2), The Pas and the new Women's Correctional Centre in Headingley are slated for completion in 2011.</p>
(5) Offender accountability and safer communities, by measuring the Manitoba youth incarceration rate as compared to other provinces.	Manitoba is committed to strengthening sanctions for serious youth crime, particularly crimes of violence.	<p>This measure compares Manitoba to other provinces on an ongoing basis.</p> <p>Manitoba's rate for 2009/2010 was more than three times the national total (7 per 10,000 youth).</p>	<p>Manitoba's 2009/2010 youth incarceration rate was the highest of all Canadian provinces with 25 young persons in custody per 10,000 youth population.</p> <p>See Figure 4, page 65.</p>	Manitoba has had maintained the ranking the second or third highest rate among the provinces in the past five years (2006-2010).	<p>The Minister of Justice continued to advocate for national action to amend the <i>Youth Criminal Justice Act</i> to deal more effectively with repeat young offenders and youth motor vehicle theft offenders during 2010/2011.</p> <p>Construction of a new 48-cell expansion at the Agassiz Youth Centre (AYC) in Portage la Prairie is completed.</p>

<sup>9</sup> Manitoba Justice is working with the federal government's RCMP Aboriginal Policing Directorate to refine the methodology for calculating annual percentages.

What is being measured and using what indicator?	Why is it important to measure this?	Where are we starting from (baseline measurement)?	What is the most recent available value for this indicator?	What is the trend over time?	Comments/ Recent Actions/ Report Links
(6) Maintaining the integrity of the justice system, particularly access to justice, by measuring the average time from first appearance to disposition in Provincial Court. <sup>10</sup>	<p>A core element of the department's mission is to provide mechanisms for timely and peaceful resolution of civil and criminal matters.</p> <p>Time to disposition is a measure of the justice system's capacity to resolve matters in a reasonable amount of time.</p> <p>This indicator measures the average amount of time it takes to dispose of a criminal charge, not including charges where a warrant for arrest was issued by the court.</p>	<p>2006/2007 marked the first year that data became available for this indicator.</p> <p>In April 2010, Courts Division revamped the Time to Disposition Report, the CCAIN Master Stats and the CCAIN Master Stats Regions by:</p> <ol style="list-style-type: none"> <li>1. Including only specified charges</li> <li>2. Including adult, business and youth charges</li> <li>3. Amalgamating adult, business and youth charges for the Winnipeg Non-DV stats.</li> </ol>	<p>2010/2011 data will be available when it is published in the <i>Annual Report of the Provincial Court of Manitoba, 2010-2011</i>.</p> <p>Effective for 2010/2011 for the quarterly report, Courts Division has new methodology to counting time to disposition and how the "charges" are defined. For 2010/2011 average time to disposition was 187 days.</p> <p>See Figure 5, page 66.</p>	<p>As a result of the methodology change the statistical data for 2010/2011 is not directly comparable to previous periods' data. Future data for these measures will be comparable to 2010/2011.</p>	<p>Process reviews, improved procedures and information technology are being employed to address the growing legal complexity of cases in the justice system.</p> <p>Led by the Chief Judge of the Provincial Court, the internationally recognized Front End Project has achieved success in fast-tracking domestic violence cases through the justice system.</p> <p>The project was expanded in 2008 and now includes all adult matters and all youth out-of-custody matters.</p>

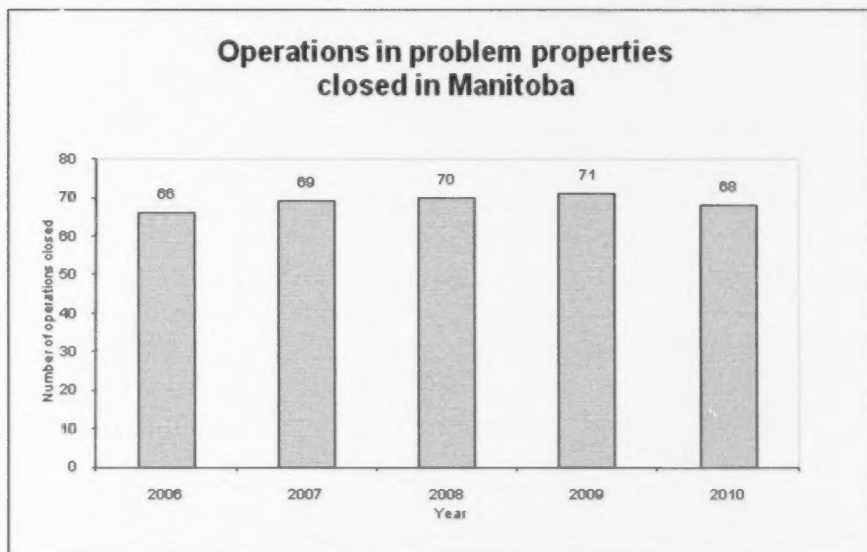
<sup>10</sup> More detailed information on this indicator is provided in the *Annual Report of the Provincial Court of Manitoba* - available on the Provincial Court of Manitoba's website at [http://www.manitobacourts.mb.ca/pr/provincial\\_court.html](http://www.manitobacourts.mb.ca/pr/provincial_court.html).

**Figure 1:**



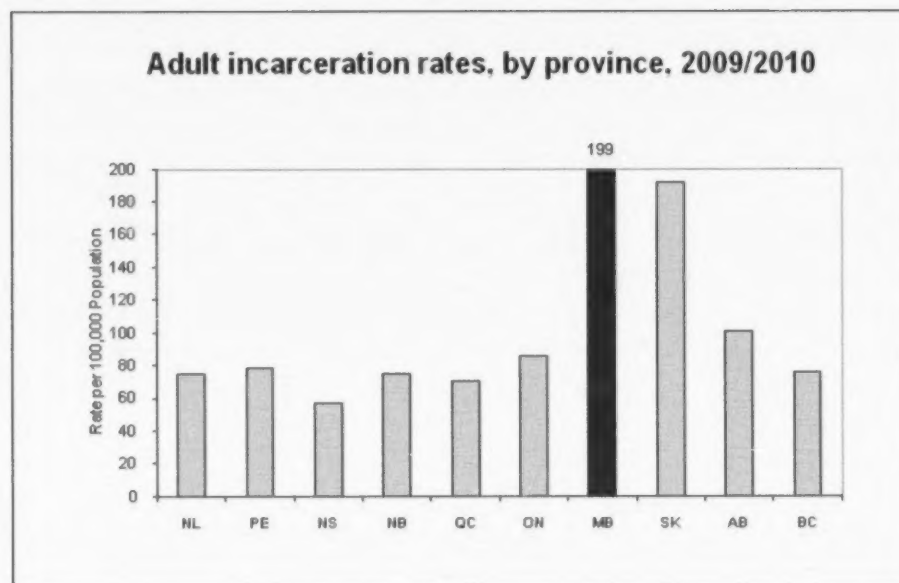
Source: Police Administration Survey, Canadian Centre for Justice Statistics, Statistics Canada

**Figure 2:**



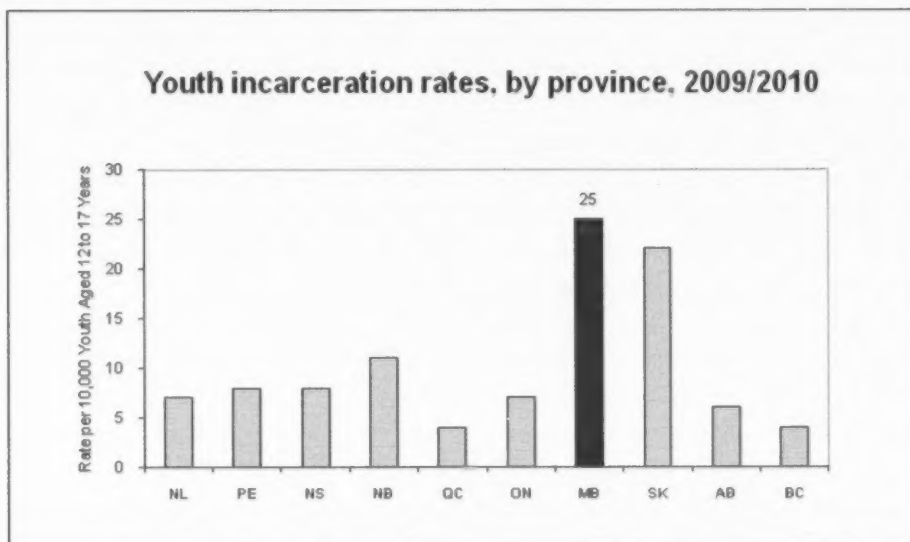
Source: Manitoba Justice Public Safety Investigations Unit

**Figure 3:**



Source: Corrections Key Indicator Report, Canadian Centre for Justice Statistics, Statistics Canada

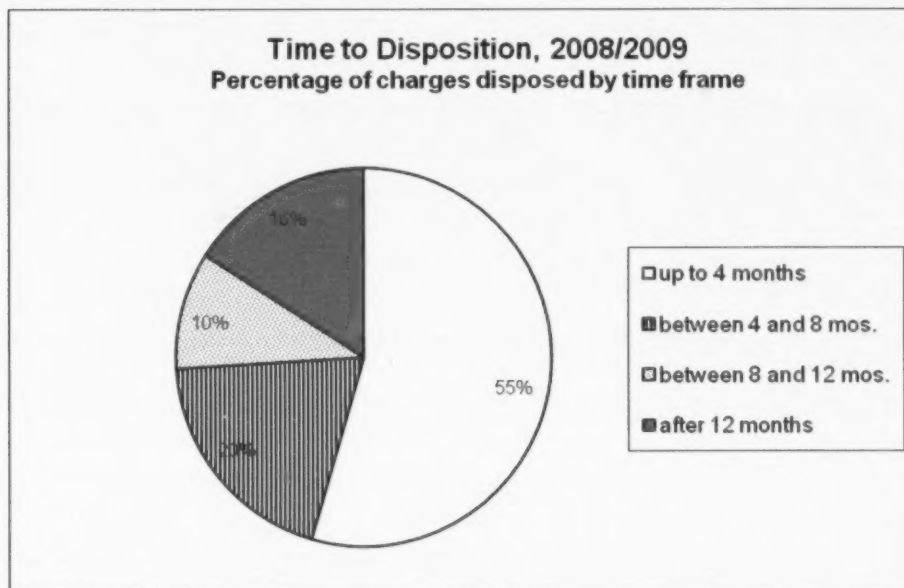
**Figure 4:**



Source: Corrections Key Indicator Report, Canadian Centre for Justice Statistics, Statistics Canada



**Figure 5:**



Source: Manitoba Courts

# The Public Interest Disclosure (Whistleblower Protection) Act

*The Public Interest Disclosure (Whistleblower Protection) Act* came into effect in April 2007. This law gives employees a clear process for disclosing concerns about significant and serious matters (wrongdoing) in the Manitoba public service, and strengthens protection from reprisal. The act builds on protections already in place under other statutes, as well as collective bargaining rights, policies, practices and processes in the Manitoba public service.

Wrongdoing under the act may be: contravention of federal or provincial legislation; an act or omission that endangers public safety, public health or the environment; gross mismanagement; or, knowingly directing or counseling a person to commit a wrongdoing. The act is not intended to deal with routine operational or administrative matters.

A disclosure made by an employee in good faith, in accordance with the act, and with a reasonable belief that wrongdoing has been or is about to be committed is considered to be a disclosure under the act, whether or not the subject matter constitutes wrongdoing. All disclosures receive careful and thorough review to determine if action is required under the act, and must be reported in a department's annual report in accordance with Section 18 of the act.

The following is a summary of disclosures received by Manitoba Justice, The Public Trustee, Civil Legal Services, and Legal Aid Manitoba for fiscal year 2010/2011:

Information Required Annually (per Section 18 of the act)	Fiscal Year 2010/2011
The number of disclosures received, and the number acted on and not acted on. <i>Subsection 18(2)(a)</i>	NIL
The number of investigations commenced as a result of a disclosure. <i>Subsection 18(2)(b)</i>	NIL
In the case of an investigation that results in a finding of wrongdoing, a description of the wrongdoing and any recommendations or corrective actions taken in relation to the wrongdoing, or the reasons why no corrective action was taken. <i>Subsection 18(2)(c)</i>	NIL

## Capital Investment

Capital investment in Manitoba Justice provides development costs to implement information technology systems and acquire equipment. Capital investment authority is contained in Part B of the annual *Estimates of Expenditure*.

In 2010/2011, Manitoba Justice had capital expenditures for equipment acquisitions (\$4,116), the co-operative justice system (\$243), the court digital audio recording project (\$164) and the Manitoba Maintenance (Enforcement) Management Program, or M<sup>3</sup>P (\$1,654). This is a continuation of previous equipment and systems acquisition practices except that a budget and actual expenditures are now provided under the estimates of capital investment rather than operating appropriations.

### Reconciliation Statement of Printed Vote

DETAILS	2010/11 ESTIMATES \$(000s)
<b>2010/11 MAIN ESTIMATES</b>	<b>\$5,783</b>
<b>MAIN ESTIMATES AUTHORITY TRANSFERRED FROM:</b>	
- Capital Assets – Internal Service Adjustments	<b>681</b>
<b>2010/11 ESTIMATE</b>	<b>\$6,464</b>

### Capital Investment

Actual 2010/11 \$(000s)	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.	Actual 2009/10 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
6,177	6,464	(287)	1	2,541	3,636	2

#### Explanations:

- Three projects for correctional facilities will carry over to 2011/12 as they could not be completed due to time constraints and the Manitoba Maintenance Management Program (M<sup>3</sup>P) project under-spent due to capitalization of certain costs in Business Transformation and Technology branch and favourable pricing for support software.
- Variance is due to a year-over-year increase in work completed on the Manitoba Maintenance Management Program and correctional facility projects partially offset by a reduction in Cooperative Justice System project expenditures.

# Justice Initiatives Fund

The \$2.25 million Justice Initiatives Fund (JIF) supports development of initiatives to prevent crime and to improve the justice system in Manitoba. Funding is allocated from the Enabling Appropriation (26-3). Actual expenditures are recorded in the sub-appropriations of those divisions of Justice that made the specific expenditures.

The following criteria have been established to help evaluate Justice Initiatives Fund proposals:

- Does the initiative have the potential to enhance public safety by deterring or preventing crime?
- Does the initiative have the potential to enhance public safety by improving the effectiveness and efficiency of the criminal justice system's treatment of offenders and their victims?
- Does the initiative address Aboriginal justice issues?
- Will the initiative build on existing community organizations or mechanisms, and will it be responsive to community input and direction?
- Does the initiative respond to the recommendations of a public inquiry or external review of the department's operations?
- Does the initiative have the potential to improve the effectiveness or enhance the efficiency of Manitoba Justice's non-criminal service areas?
- Will the initiative be cost-shared with other levels of government, community organizations, and/or private sector partners?
- Can the initiative be maintained in the long run without significantly increasing government expenditures?

## 2010/2011 Justice Initiatives Projects and Allocations

**Aboriginal Justice Strategy** – This project supports the expansion of the First Nations Community Justice Worker Program within Manitoba Keewatinowí Okimakanak (MKO) communities and the development of similar programs in Manitoba Métis Federation (MMF) and Southern Chiefs' Organization (SCO) communities. The MKO First Nations Justice Strategy (FNJS) that provides the template for expansion offers restorative justice approaches in MKO First Nation communities through a Cree Magistrates Court, and the diversion of appropriate offences to community justice committees. Total project funding: \$1,817; 2010/2011 funding: \$600

**Corrections – Aggression Replacement Training (ART)** – Provided to youth correctional staff, ART is a cognitive behavioural intervention program designed for youth who display aggressive behaviour which focuses on teaching methods for reducing anger levels, identifying risky situations, and providing skills to avoid future problematic behaviours. 2010/2011 funding: \$28

**Crime Prevention** – The Manitoba Justice Crime Prevention Fund provides financial support to various crime prevention groups and projects to aid in making Manitoba's communities safer places to live. Total 2010/2011 funding (ongoing funding): \$60

**Electronic Monitoring** – This pilot project is testing the use of electronic monitoring technology to provide GPS surveillance of young offenders charged with auto theft in Winnipeg. Total project funding: \$360; 2010/2011 funding: \$136

**Healthy Child Manitoba** – Led by the Healthy Child Committee of Cabinet, Healthy Child Manitoba bridges departments and governments and, together with the community, works to improve the well-being of Manitoba's children and youth. Manitoba Justice contributes towards a co-ordinator of networking services for the Manitoba Strategy Responding to Sexually Exploited Children and Youth. Total project funding: \$130; 2010/2011 funding: \$15

**Lighthouses** – This program stimulates the development of partnerships that support recreational, educational and social programs for young Manitobans. Lighthouses makes use of schools, recreation centres and other community facilities outside school hours for sports, arts, music and other activities organized by and for local youth. Manitoba Justice funded 37 Lighthouse sites in Winnipeg and 29 sites in rural Manitoba in 2010/2011. Annual funding for each site is \$12. Total project funding: \$5,587; 2010/2011 funding: \$731

**New Directions for Children, Youth, Adults and Families Agency** – This funding supports the ongoing operation of the Transition, Education and Resources for Females (TERF) program, aimed at developing healthy lifestyles for young women, adult women and transgendered individuals who have been exploited through prostitution. Total project funding: \$1,821; 2010/2011 funding: \$177

**Safe Schools Manitoba** – Safe Schools Manitoba is a partnership initiative of organizations committed to working together to enhance the safety of Manitoba's schools and communities. The partners include Manitoba Education, Citizenship and Youth, Manitoba Justice, professional associations, schools, law enforcement, social service agencies, youth, parents and community agencies. Total project funding from Manitoba Justice: \$562; 2010/2011 funding: \$66

**SafetyAid Crime Prevention for Older Manitobans** – The SafetyAid program, a crime prevention program for older Manitobans, was first launched in 2003. This two-part senior home security program, funded jointly by Justice and Healthy Living, helps prevent break and enters and home invasions. The program consists of a SafetyAid team and SafetyAid forgivable loans through the Home Adaptation for Seniors Independence (HASI) program. Total project funding from Manitoba Justice: \$1,110; 2010/2011 funding: \$150

**Onashowewin** – This community-based Aboriginal justice program provides community justice alternatives to both adult and young offenders in Winnipeg. Total project funding: \$2,008; 2010/2011 funding: \$250

#### Justice Initiatives Fund

Allocated 2010/11 \$(000s)	Estimate 2010/11 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.	Allocated 2009/10 \$(000s)	Variance Over (Under) \$(000s)	Expl. No.
2,228	2,250	(22)	1	2,168	60	1

#### Explanation:

1. Based on the above noted approvals, a total allocation of \$2,228 was made to Manitoba Justice. Actual expenditures, however, were \$2,213, and these details are provided in the JIF tables for the originating divisions. The balance of available funds (\$22) remained unallocated at year-end. Allocations vary from year to year depending on the projects approved in the Estimates.

#### Five Year Funding Allocation Summary

2006/07 \$(000s)	2007/08 \$(000s)	2008/09 \$(000s)	2009/10 \$(000s)	2010/11 \$(000s)
2,192	2,071	2,031	2,168	2,228



# Sustainable Development

Section 12 (1) of *The Sustainable Development Act* requires each provincial government department to include information in its annual report about the progress made incorporating sustainable development into its activities. This section of the annual report is intended to identify the department's sustainability in relation to the principles and guidelines of the act, as well as the provincial government's sustainable development procurement goals and guidelines.

## Principles and Guidelines

The department's vision to promote a safe, just and peaceful society naturally lends itself to incorporating sustainable development principles and guidelines into many of its new and ongoing programs and initiatives. Here are a few highlights of how Manitoba Justice incorporated sustainable development into its activities for the 2010/2011 fiscal year.

### Shared Responsibility and Understanding

Shared responsibility and understanding is a principle defined as actions that foster a partnership approach to decision making and program delivery. Actions are taken to engage, involve and reflect the interests of various Manitoba communities and groups in departmental decisions and actions.

The department's Winnipeg Auto Theft Suppression Strategy, various Aboriginal justice initiatives and programs including Aboriginal policing, court workers and community participation agreements with First Nations, and projects funded through the Justice Initiatives Fund exemplify how the department regularly incorporates the principle of shared responsibility and understanding into its ongoing program activities with other levels of government, First Nations communities, non-profit organizations, and Crown corporations. New examples include:

- The Manitoba Domestic Violence Death Review Committee was formally established in June of 2010. Led by the department's Victim Services Branch, the committee commenced reviewing its first domestic violence homicide case this year to see what can be learned from it with the goal to prevent future tragedies from occurring. Committee members included representatives from Manitoba Justice Victim Services, Prosecutions and Office of the Chief Medical Examiner, the Manitoba Women's Advisory Council, Winnipeg Police Service, RCMP and RESOLVE, a regional family violence research network.
- To further respond to recommendations of the Taman Inquiry, a diverse group of individuals were appointed to a new Manitoba Police Commission as one of the first steps to implement Manitoba's new *Police Services Act* that will help modernize police governance.
- Corrections expanded its integrated Gang Response and Suppression Program (GRASP) that brings the police, prosecutions and corrections together to coordinate an intensive community risk management plan that includes curfew monitoring, ongoing intensive supervision of gang members on probation and required reporting to respond to breaches of non-compliant offenders to the court.
- Manitoba Education increased its funding to Corrections to further enhance educational programs in youth correctional facilities that help incarcerated youth turn their lives around for the better while they are serving time before they are reintegrated back into the community.

### Prevention

Prevention can be defined as actions taken to foster an anticipatory and precautionary approach to decision making with the goal of identifying possible adverse effects on the economy, environment, health or society in advance and preventing or mitigating effects that pose as a threat.

Ongoing Justice programs such as the Public Safety Investigative Unit, the Criminal Property Forfeiture Branch, Corrections' Crime Prevention Unit and the Spotlight initiative are some examples how our department has regularly provided sustainable crime prevention initiatives with the goal of creating safer communities for Manitobans. Highlights that furthered the principle of prevention to enhance public safety in 2010/2011 are outlined below:

- *The Manitoba Evidence Act* was amended to streamline the process required to prove that a group is a criminal organization for any proceeding under provincial law.
- The Criminal Property Forfeiture Unit gained momentum this year by initiating civil forfeiture actions against 29 new properties considered to be proceeds or instruments of crime.
- *The City of Winnipeg Charter* was amended to provide Winnipeg Police Services' Cadet Program with legal authority to enforce certain laws to handle routine policing tasks, allowing regular officers to focus on higher priorities.
- *The Protection from Domestic Violence and Best Interests of Children Act* received royal assent June 17, 2010. New legislation prompted amendments to *The Family Maintenance Act*, *Child Custody Enforcement Act* and *Court of Queen's Bench Act* that will enhance and refine protections for victims of domestic violence and establish 'best interests' criteria for the court to consider for child custody and access cases.
- The Policy Development & Analysis Branch led the development and implementation of amendments to *The Highway Traffic Act* that will allow the province to suspend the driver's licence of any person who drives a vehicle as part of a drug trafficking offence; and also to provide a tiered short-term driver's licence suspension for those who are caught operating motor vehicles, vessels, aircraft or railway equipment under the influence of alcohol or drugs.

### Global Responsibility

Global responsibility is a principle that is defined as thinking globally when acting locally, recognizing that there is economic, ecological and social interdependence among provinces and nations, and working co-operatively, within Canada and internationally, to integrate economic, environmental, human health and social factors in decision making while developing comprehensive and equitable solutions to problems. Some highlights for the 2010/2011 fiscal year included:

- Manitoba Justice hosted the annual meeting with western attorneys general and solicitors general from Manitoba, Saskatchewan, Alberta and British Columbia to discuss the need to continue working with the federal government to achieve necessary legislative reforms such as the *Youth Criminal Justice Act*, protecting the public from serious high risk offenders such as gangs and organized crime, measures to reduce impaired driving, federal funding required to effectively support the justice system, and initiatives to combat sexual exploitation of children and youth.
- The Minister of Justice and Attorney General of Manitoba also attended the annual federal, provincial, territorial (FPT) justice ministers' meeting to discuss many topics including strengthening the *Youth Criminal Justice Act*, a national report on missing and murdered women, federal funding for Legal Aid, and approved national guidelines to support the development of policies for the use of Taser conducted energy weapons.
- Youth Corrections partnered with Public Safety Canada to host a provincial roundtable that focussed on the prevention of human trafficking.
- Manitoba Justice sent six prosecutors and a support person to an interprovincial conference on organized crime to gain and share information and expertise on combating organized crime.

### Access to Information

Manitoba Justice provides information to the general public in a variety of ways including but not limited to news releases, the Courts, publications, processing requests under *The Freedom of Information and Protection of Privacy Act* (FIPPA), *The Personal Health Information Act* (PHIA), and its website at [www.gov.mb.ca/justice](http://www.gov.mb.ca/justice).

### Integrated Decision Making and Planning

This guideline is defined as actions taken to encourage and facilitate decision making and planning processes to make them more efficient, timely, accountable and cross-sectoral, and address and account for intergenerational effects.

Ongoing Justice programs such as Legislative Counsel, Civil Legal Services and Constitutional Law exemplify the department's commitment to this principle by having an integral role creating acts of legislation and related policies initiated by the Government of Manitoba.

The following are some highlights of the department's cross-sectoral work during the year:

- Manitoba Justice partnered with Manitoba Family Services and Consumer Affairs and Manitoba Labour & Immigration's Minister responsible for the status of women to launch a six-point strategy aimed at preventing domestic violence that featured a bold new awareness campaign, programming to support families at risk and a new domestic violence website offering a wide variety of support services at <http://www.gov.mb.ca/domesticviolence>.
- The department provided funding to open five new Lighthouses (an initiative of Neighbourhoods Alive!) for Community Councils in Cross Lake, Berens River and Brochet; and in Winnipeg, the Immigrant & Refugee Community Organization of Manitoba and Dalhousie School. Lighthouses help communities engage young people in developing their own crime prevention and recreation activities outside school hours.

Sustainable principles and guidelines, including but not limited to integrated decision making and planning, efficient use of resources, and waste minimization and substitution are further demonstrated in the department's procurement practices.

## **Sustainable Development Procurement**

Manitoba Justice's sustainable procurement practices are based on the provincial government's sustainable development procurement goals that were established in 2002. Manitoba Justice achieved the following for the 2010/2011 fiscal year:

### **1. Education, Training and Awareness**

To provide a culture that supports sustainable procurement practices exist within the provincial government, Manitoba Justice continued with the provision of an online sustainable development intranet page that is used as a reference guide for department staff. The website covers a variety of sustainable development topics including legislative requirements, business practices that relate to the department's action plan, reports, green choice products and resources.

### **2. Pollution Prevention and Human Health Protection**

To protect the health and environment of Manitobans from possible adverse effects of provincial government operations and activities, and provide a safe and healthy working environment; the department maintained government-wide best practices for recycling waste paper, beverage cans, plastic, books, cardboard, toner cartridges, furniture and equipment to reduce solid waste sent to landfills.

To further minimize the waste of paper, the department continued best practices of scanning, storing and sending documents in electronic form; replacing paper based business magazines and news papers with online subscriptions, printing and copying double-sided when possible, and scheduling, corresponding and reporting by email. To replace substantial paper-based mailings, Manitoba Justice continued the practice referring the general public to its internet site to provide information about the department's programs, initiatives and reports, and its intranet site to provide important departmental information online for staff reference.

### **3. Reduction of Fossil Fuel Emissions**

To contribute to the provincial government's overall goal to reduce the consumption of fossil fuels, the department annually reviews its fleet for efficiency and sustainability. In 2010/2011, the department increased its number of environmentally friendly vehicles by five for a total of 53, representing 46 per cent of its leased fleet. Thirty-four of the 53 environmentally friendly vehicles were equipped to use E85 ethanol fuel, six were electric hybrids, and the remaining 13 were diesel models that can run on biodiesel fuel.

In efforts to substitute regular fossil fuels with ethanol-blended fuel and alternate energy sources, the department increased its use of E10 ethanol-blended fuel, continued the use of hybrid electric vehicles that run on a combination of electricity and gas as fuel sources, and diesel vehicles that are also considered to be sustainable. Of the grand total 524,380 litres of fuel purchased in the 2010/2011 fiscal year for the department's leased and owned vehicles and equipment, the department consumed 31 per cent E10 ethanol fuel, 13 per cent

diesel and 56 per cent regular unleaded gas. This year the department increased its overall fuel consumption by 4% but decreased the percentage of regular unleaded gas by 2 per cent.

Further contributions are made by the department to reduce fossil fuel consumption by encouraging staff to annually participate in the National Commuter Challenge and by continuing the use of walker and cyclist couriers for deliveries within downtown Winnipeg. As an example, 146 department staff who participated in the 2010 National Commuter Challenge logged in 12,629 kilometres that translated to saving 875.6 litres of fuel and eliminating 4,496.7 kilograms of greenhouse gases (GHG) from being released into the atmosphere for a period of one week.

#### **4. Resource Conservation**

To assist the provincial government with its commitment to reducing the total consumption of utilities in provincial government premises, the department continued working with Manitoba Innovation, Energy and Mines on the government's printer refresh project that has replaced many stand-alone fax, photocopier, scan and print machines with multi-functional printers that consume less energy by performing all functions in one machine. The department also continued working cooperatively with Manitoba Infrastructure and Transportation to ensure Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ standards were used in Justice construction projects where feasible.

To increase the proportion of environmentally preferable products and services within the context of reduced resource use, the department purchased products that minimize waste by replacing virgin consumable products with sustainable (green) choices that contain post-consumer waste, are remanufactured, reusable or recyclable. Where possible, the department also purchased products that are non-toxic, biodegradable, energy efficient and use minimal packaging.

This year, the department maintained its high averages of green purchases for office paper (97 per cent green), hygiene tissue paper (100 per cent), caulk, glue and tape (99.5 per cent), computer furniture (98 per cent), and increased its green purchases of garbage bags by 78 percent for a total of 80 per cent, and increased its purchases of rags and wipes by 38 per cent for a total of 99 per cent. Thirty-seven percent of all chairs, thirty-two per cent of all filing supplies and thirty-one per cent of cleaning implements purchased by the department were also green purchases.

#### **5. Community Economic Development**

One of the provincial government's objectives is to foster and sustain community economic development by increasing the participation of Aboriginal peoples and suppliers in the provision of goods and services to departments. Though long-standing government policy requires line departments to purchase most goods and services through the provincial government's central agencies, Manitoba Justice directly supported Aboriginal businesses by purchasing a combined total of \$659 thousand dollars for various goods and services such as accommodations, transportation, pharmaceuticals, interpreter fees, advertising and subscriptions. This represents an increase of 16 per cent from the previous year.

Another objective of community economic development is to increase the participation of small businesses, community-based businesses and co-ops in Manitoba. The department regularly supports local businesses when purchasing incidental items that are not stocked by central agencies.



# Appendix I

In accordance with Schedule P of Order-in-Council (OIC) 350/2009 (dated November 3, 2009), as amended by OIC 353/2009 and OIC 383/2009, OIC 126/2010 and OIC 288/2010, the Minister of Justice is responsible for administering:

*The Body Armour and Fortified Vehicle Control Act*  
*The International Commercial Arbitration Act*  
*The Constitutional Questions Act*  
*The Correctional Services Act*  
*The Court of Appeal Act*  
*The Provincial Court Act*  
*The Court of Queen's Bench Act*  
*The Court Security Act*  
*The Crime Prevention Foundation Act*  
*The Criminal Property Forfeiture Act*  
*The Cross-Border Policing Act*  
*The Crown Attorneys Act*  
*The Child Custody Enforcement Act*  
*The Discriminatory Business Practices Act*  
*The Domestic Violence and Stalking Act*  
*The Enforcement of Canadian Judgments Act*  
*The Enforcement of Judgments Conventions Act*  
*The Escheats Act*  
*The Manitoba Evidence Act [Division VI of Part 1]*  
*The Executive Government Organization Act [Subsection 12(2), only, as Keeper of the Great Seal]*  
*The Expropriation Act*  
*The Family Property Act*  
*The Fatality Inquiries Act*  
*The Fortified Buildings Act*  
*The Gunshot and Stab Wounds Mandatory Reporting Act*  
*The Helen Betty Osborne Memorial Foundation Act*  
*The Human Rights Code*  
*The Inter-jurisdictional Support Orders Act*  
*The Intoxicated Persons Detention Act*  
*The Reciprocal Enforcement of Judgments Act*  
*The Canada - United Kingdom Judgments Enforcement Act*  
*The Jury Act*  
*The Department of Justice Act*  
*The Law Enforcement Review Act*  
*The Law Fees and Probate Charge Act*  
*The Law Reform Commission Act*  
*The Legal Aid Manitoba Act*  
*The Mental Health Act [Part 10 and clauses 125(1)(i) and (j)]*  
*The Minors Intoxicating Substances Control Act*  
*The Police Services Act*  
*The Privacy Act*  
*The Private Investigators and Security Guards Act*  
*The Proceedings Against the Crown Act*



*The Profits of Criminal Notoriety Act*  
*The Provincial Police Act*  
*The Public Trustee Act*  
*The Regulations Act*  
*The Safer Communities and Neighbourhoods Act*  
*The International Sale of Goods Act*  
*The Sheriffs Act*  
*The Interprovincial Subpoena Act*  
*The Summary Convictions Act*  
*The Transboundary Pollution Reciprocal Access Act*  
*The Uniform Law Conference Commissioners Act*  
*The Vacant Property Act*  
*The Victims' Bill of Rights*  
*The Witness Security Act*

**Other statutes related to areas for which the Minister of Justice is responsible:**

*The Age of Majority Act*  
*An Act to Repeal the Statute of Frauds*  
*The Apportionment Act*  
*The Arbitration Act*  
*The Beneficiary Designation Act (Retirement, Savings and Other Plans)*  
*The Blood Test Act*  
*The Boundary Lines and Line Fences Act*  
*The Builders' Liens Act*  
*The Civil Remedies Against Organized Crime Act*  
*The Class Proceedings Act*  
*The Controverted Elections Act*  
*The Court of Queen's Bench Small Claims Practices Act*  
*The Court of Queen's Bench Surrogate Practice Act*  
*The Debtors' Arrest Act (Public Unconsolidated)*  
*The Defamation Act*  
*The Dependants Relief Act*  
*The Distress Act*  
*The Domicile and Habitual Residence Act*  
*The Equality of Status Act*  
*The Executions Act*  
*The Factors Act*  
*The Family Maintenance Act*  
*The Fatal Accidents Act*  
*The Federal Courts Jurisdiction Act*  
*The Fraudulent Conveyances Act*  
*The Frustrated Contracts Act*  
*The Garage Keepers Act*  
*The Garnishment Act*  
*The Gold Clauses Act*  
*The Guarantors' Liability Act*  
*The Homesteads Act*  
*The Hotel Keepers Act*

*The Infants' Estates Act*  
*The Interpretation Act*  
*The International Trusts Act*  
*The Intestate Succession Act*  
*The Judgments Act*  
*The Law of Property Act*  
*The Limitation of Actions Act*  
*The Manitoba Evidence Act (Parts I and IV)*  
*The Marine Insurance Act*  
*The Married Women's Property Act*  
*The Mental Health Act (Part 9)*  
*The Mercantile Law Amendment Act*  
*The Mortgage Act*  
*The Newspapers Act*  
*The Nuisance Act*  
*The Occupiers' Liability Act*  
*The Official Securities Act*  
*The Parental Responsibility Act*  
*The Parents' Maintenance Act*  
*The Perpetuities and Accumulations Act*  
*The Petty Trespasses Act*  
*The Powers of Attorney Act*  
*The Presumption of Death Act*  
*The Registration of Property Restraint Orders Act*  
*The Repair Shops Act*  
*The Sale of Goods Act*  
*The Sand and Gravel Act*  
*The Short Forms Act*  
*The Soldiers' Estates Act*  
*The Stable Keepers Act*  
*The Survivorship Act*  
*The Threshers' Liens Act*  
*The Tortfeasors and Contributory Negligence Act*  
*The Trustee Act*  
*The Unconscionable Transactions Relief Act*  
*The Warehousemen's Liens Act*  
*The Wills Act*

## **Appendix II**

### **Court of Appeal Office in Manitoba**

Winnipeg

## **Appendix III**

### **Court of Queen's Bench Offices in Manitoba**

Winnipeg

Brandon

Dauphin

Flin Flon

Minnedosa

Morden

Portage la Prairie

St. Boniface

Selkirk

Swan River

The Pas

Thompson

Virden

## Appendix IV

### Court Centres and Circuit Court locations within Manitoba – Winnipeg and Regional

The following is a list of court centres and circuit court locations within Manitoba:

#### Brandon

- Boissevain
- Killarney
- Sioux Valley

#### Dauphin

- Camperville
- Roblin

#### Flin Flon

- Cranberry Portage
- Snow Lake

#### Minnedosa

- Neepawa
- Rosburn
- Russell
- Waywayseecappo

#### Morden

- Carman

#### Portage la Prairie

- Amaranth
- Sandy Bay

#### Selkirk

- Beausejour
- Berens River
- Bloodvein
- Emerson
- Garden Hill
- Gimli
- Lac du Bonnet
- Little Grand Rapids
- Pauingassi
- Poplar River
- Powerview (formerly Pine Falls)
- St. Martin
- St. Theresa Point
- Teulon

#### Steinbach

- St. Pierre-Jolys

#### Swan River

#### The Pas

- Easterville
- Grand Rapids
- Moose Lake
- Pukatawagan

#### Thompson

- Brochet
- Churchill
- Cross Lake
- Gillam
- God's Lake Narrows
- God's River
- Lac Brochet
- Leaf Rapids
- Lynn Lake
- Nelson House
- Norway House
- Oxford House
- Shamattawa
- South Indian Lake
- Split Lake

#### Virden

#### Winnipeg – 408 York Avenue

- Altona
- Arborg
- Ashern
- Fisher Branch
- Lundar
- Manitoba Youth Centre
- Morris
- Peguis
- Stonewall

#### Winnipeg – St. Boniface

#### Winnipeg – Summary Convictions Court

## Appendix V

The Corrections Division has **MANCOR Prison Industries** currently operating in several of its institutions. The purpose of prison industries is to teach offenders marketable trades that would increase their chances of post-release employment, as well as contribute to their rehabilitation and re-integration into society. Work experience for inmates include carpentry, tailoring, upholstery, computer repair, farming and tree clearing.

The financial statements for all provincial **MANCOR** operations for 2010/2011 are provided in the tables below.

### MANCOR (Prison Industries) - Financial Statements

#### MANCOR BALANCE SHEET March 31, 2011

ASSETS	<u>March 31/11</u>	<u>March 31/10</u>
<b>Current</b>		
Cash	\$0	\$3
Bank	0	484
Carpentry Program (NOTE 2)	23	42
SAP Trust	503	0
Inventory	148	116
Accounts Receivable	<u>75</u>	<u>80</u>
<b>Total Current Assets</b>	<b><u>\$749</u></b>	<b><u>\$725</u></b>
<b>Capital Assets</b>		
Machinery & Equipment	\$428	\$428
Less: Accumulated Amortization (NOTE 3)	<u>(230)</u>	<u>(230)</u>
<b>Total Capital Assets</b>	<b><u>\$198</u></b>	<b><u>\$198</u></b>
<b>TOTAL ASSETS</b>	<b><u>\$947</u></b>	<b><u>\$923</u></b>
 <b>LIABILITIES AND EQUITY</b>		
Accounts Payable	\$0	\$4
Carpentry-Deferred Liabilities (NOTE 2)	85	85
Tax Liabilities	<u>2</u>	<u>3</u>
<b>Total Current Liabilities</b>	<b><u>\$87</u></b>	<b><u>\$92</u></b>
 <b>EQUITY</b>		
Retained Earnings	<u>860</u>	<u>831</u>
<b>TOTAL LIABILITIES AND EQUITY</b>	<b><u>\$947</u></b>	<b><u>\$923</u></b>



**MANCOR**  
**INCOME STATEMENT**  
**Year Ended March 31, 2011**

	<u>2010/11</u>	<u>2009/10</u>
Sales	\$431	\$418
Cost of Goods Sold	<u>209</u>	<u>191</u>
<b>Gross Profit</b>	<b>\$222</b>	<b>\$227</b>
Operating Expenses	193	150
Capital Asset Amortization (NOTE 3)	<u>0</u>	<u>24</u>
<b>NET INCOME</b>	<b>\$29</b>	<b>\$53</b>
 Retained Earnings, Beginning of Year	 <u>831</u>	 <u>778</u>
Retained Earnings, End of Year	<b><u>\$860</u></b>	<b><u>\$831</u></b>

**MANCOR**  
**STATEMENT OF CHANGES IN FINANCIAL POSITION**  
**Year Ended March 31, 2011**

	<u>2010/11</u>	<u>2009/10</u>
<b>Cash Derived From (Applied) To:</b>		
<b>Operating</b>		
Net Income (Loss)	\$29	\$53
Add: Amortization of Capital Assets	0	29
<b>Change in</b>		
Inventory	(32)	2
Receivables	5	(5)
Payables	(5)	(4)
<b>Investing</b>		
Capital Acquisitions	<u>0</u>	<u>(46)</u>
<b>Increase (Decrease) in Cash and Deposits</b>	<b>(\$3)</b>	<b>\$29</b>
<b>Cash and Bank Deposits:</b>		
Beginning of Year	<u>529</u>	<u>500</u>
End of Year	<b><u>\$526</u></b>	<b><u>\$529</u></b>

**MANCOR**  
**NOTES TO FINANCIAL STATEMENTS**  
**MARCH 31, 2011**

1. The 2010/2011 fiscal year covered the period of April 1, 2010 to March 31, 2011.
2. MB4 Youth of Manitoba Healthy Living, Youth and Seniors (formerly of Manitoba Education, Citizenship & Youth) provided a grant of \$100 in 2007/2008 to start a carpentry training course. As of March 31, 2011, MANCOR has utilized \$77 to fund set up costs.
3. Amortization of capital assets was not recorded in 2010/11 due to the absorption of MANCOR accounts into the departmental accounting function.

## Appendix VI

The following is a list of some of the most commonly contacted branches, boards, agencies and programs reporting to the Minister of Justice. To contact offices not listed here, please call:

**Manitoba Government Inquiry**  
**1-866-626-4862, toll free outside Winnipeg**

Aboriginal and Community Law Enforcement  
1430 - 405 Broadway  
Winnipeg MB R3C 3L6  
945-2825

Aboriginal Courtwork Program  
3<sup>rd</sup> Floor - 408 York Ave.  
Winnipeg MB R3C 0P9  
945-0024

Administration, Finance & Justice Innovation  
1110 - 405 Broadway  
Winnipeg MB R3C 3L6  
945-2878

Civil Legal Services  
730 - 405 Broadway  
Winnipeg MB R3C 3L6  
945-2832

Compensation for Victims of Crime  
1410 - 405 Broadway  
Winnipeg MB R3C 3L6  
945-0899

Constitutional Law  
1205 - 405 Broadway  
Winnipeg MB R3C 3L6  
945-0679

Corrections Division  
810 - 405 Broadway  
Winnipeg MB R3C 3L6  
945-7804

Court of Queen's Bench  
Main Floor - 408 York Avenue  
Winnipeg MB R3C 0P9  
Civil: 945-0344  
Criminal: 945-3040  
Family Division (Divorce): 945-0344  
Administration: 945-0980

Courts Division  
235 - 405 Broadway  
Winnipeg MB R3C 3L6  
945-0504

Criminal Justice Division  
1430 - 405 Broadway  
Winnipeg MB R3C 3L6  
945-8042

Deputy Minister's Office  
110 Legislative Building - 450 Broadway  
Winnipeg MB R3C 0V8  
945-3739

Domestic Violence Intervention Unit  
1410 - 405 Broadway  
Winnipeg MB R3C 3L6  
945-5448

Family Law  
1230 - 405 Broadway  
Winnipeg MB R3C 3L6  
945-0268

Human Resource Services  
1130 - 405 Broadway  
Winnipeg MB R3C 3L6  
945-3204

Human Rights Commission  
7<sup>th</sup> Floor - 175 Hargrave Street  
Winnipeg MB R3C 3R8  
945-3007

Law Enforcement Review Agency  
420 - 155 Carlton Street  
Winnipeg MB R3C 3H8  
945-8667

Law Reform Commission  
432 - 405 Broadway  
Winnipeg MB R3C 3L6  
945-2896

Legal Aid Manitoba  
4<sup>th</sup> Floor - 294 Portage Avenue  
Winnipeg MB R3C 0B9  
985-8500

Legislative Counsel  
410 - 405 Broadway  
Winnipeg MB R3C 3L6  
945-5758

Maintenance Enforcement  
225 - 405 Broadway  
Winnipeg MB R3C 3L6  
945-7133

Manitoba Prosecutions Service  
510 - 405 Broadway  
Winnipeg MB R3C 3L6  
945-2852

Minister's Office  
104 Legislative Building – 450 Broadway  
Winnipeg MB R3C 0V8  
945-3728

Office of the Chief Medical Examiner  
210 - 1 Wesley Avenue  
Winnipeg MB R3C 4C6  
945-2088

Policy Development and Analysis  
1210 - 405 Broadway  
Winnipeg MB R3C 3L6  
945-6726

Provincial Court  
Main Floor, 408 York Avenue  
Winnipeg MB R3C 0P9  
945-3454

The Public Trustee  
155 Carlton Street – Suite 500  
Winnipeg MB R3C 5R9  
945-2700

Review Board  
2<sup>nd</sup> Floor - 408 York Avenue  
Winnipeg MB R3C 0P9  
945-4438

Sheriff Services, Civil Enforcement Section  
2<sup>nd</sup> Floor - 373 Broadway  
Winnipeg MB R3C 4S4  
945-2107

Vehicle Impoundment Registry  
2<sup>nd</sup> Floor - 408 York Avenue  
Winnipeg MB R3C 0P9  
945-4454

Victim/Witness Assistance  
400 - 408 York Avenue  
Winnipeg MB R3C 0P9  
945-3594

Victim Services  
1410 - 405 Broadway  
Winnipeg MB R3C 3L6  
945-6851  
1-866-484-2846

La version intégrale du rapport annuel de Justice Manitoba n'existe qu'en anglais. Toutefois, un résumé en français du rapport figure dans la section d'introduction du présent imprimé et également sur le site Web du ministère à l'adresse suivante: [www.gov.mb.ca/justice/index.fr.html](http://www.gov.mb.ca/justice/index.fr.html).

An English version of this *Annual Report* can be found on the Internet at [www.gov.mb.ca/justice](http://www.gov.mb.ca/justice).